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Book 1 of 2 Books

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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

9 CFR Parts 201 and 203

[RIN 0590-AA04]

Poultry Regulations and Policy Statements

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: This document revises certain existing regulations relative to poultry to conform to the Poultry Producers Financial Protection Act of 1987 (Pub. L. 100-173) amending the Packers and Stockyards Act. These revisions will add live poultry dealers to existing payment and accounting, reporting and trust notification regulations and policy statements and delete reference to poultry "handlers" made obsolete by the legislation. The revisions also remove references to jurisdiction over dressed poultry trade practices as provided by the legislation. The regulation dealing with time of weighing live poultry is also clarified and revised as a result of a U.S. District Court decision.

EFFECTIVE DATE: May 24, 1989.

FOR FURTHER INFORMATION CONTACT: Kenneth Stricklin, Director, Packer and Poultry Division, Packers and Stockyards Administration, Room 3422 South Building, U. S. Department of Agriculture, Washington, DC 20250-2800, (202) 447-7363.

SUPPLEMENTARY INFORMATION: On July 11, 1988 a notice of a proposal to amend the regulations and policy statements (9 CFR Parts 201 and 203) under the Packers and Stockyards Act was published in the Federal Register. The proposal would amend the existing regulations and policy statements as follows:

Regulations	Effect of change
§ 201.43 (9 CFR 201.43)	Add "live poultry" dealer to (b)(4) and remove (d)
§ 201.49(b) (9 CFR 201.49(b))	Remove "or handler" and "packer or"
§ 201.53 (9 CFR 201.53)	Remove "or handler" and "or dressed poultry"
§ 201.71 (9 CFR 201.71)	Remove "or handler"
§ 201.72 (9 CFR 201.72)	Remove "or handler"
§ 201.73 (9 CFR 201.73)	Remove "or handlers"
§ 201.76 (9 CFR 201.76)	Remove "or handlers"
§ 201.82 (9 CFR 201.82)	Remove "or handler"; revise paragraph (b)
§ 201.94 (9 CFR 201.94)	Add "live poultry dealer"
§ 201.95 (9 CFR 201.95)	Remove "or handler"
§ 201.96 (9 CFR 201.96)	Remove "or handler"
§ 201.97 (9 CFR 201.97)	Add "live poultry dealer"
§ 201.100 (9 CFR 201.100)	Remove references to "handlers" and "packers", and remove (a)(3).

Policy Statements	Effect of change
§ 203.4 (9 CFR 203.4)	Remove "or handlers"
§ 203.15 (9 CFR 203.15)	Add "poultry sellers and growers"

The notice provided that comments on the proposed amendments must be received by the Administrator on or before September 9, 1988. Pursuant to a request from interested parties, the filing deadline was extended until November 8, 1988. A total of 57 responses were filed. Comments were filed by 44 poultry dealers, 7 state and national organizations, 4 state and national farmer/producer organizations, a poultry grower and a poultry equipment manufacturer. Twenty-eight of the poultry dealer comments were from employees of 7 firms. Ten of these comments were from one poultry dealer. For obvious reasons, consideration has been given to the opinions expressed as a whole rather than to the number of comments filed by the same firm or employees of a firm which expressed the same opinion. This approach is essential if fairness and equity are to prevail and credibility is to be maintained in the rulemaking process.

Fifty-three comments were filed in opposition to the proposed weighing amendment (9 CFR 201.82(b)) and the amendment that requires poultry dealers to file annual reports (9 CFR 201.97). Thirty-three of these comments simply endorsed without further comment the comment filed by a major trade organization in opposition to these two proposed amendments. One comment also opposed providing requested business information needed to carry out the provisions of the Packers and Stockyards Act (9 CFR 201.94). No objections were received regarding the balance of the proposed amendments.

Three comments were received favoring all of the proposed amendments and one comment favored the weighing regulation amendment.

All comments were carefully considered by the Agency.

Time of Weighing

Based on recent litigation and complaints from poultry growers with respect to the time of weighing, the Agency proposed to amend and clarify regulation § 201.82 by revising paragraph (b) to require that poultry obtained under a growout contract be weighed for payment purposes immediately upon arrival at the processing plant or holding yard and that the poultry must be weighed no later than 12 hours after being removed from feed.

Fifty-three comments were filed in opposition to the proposal. Many of these comments were merely endorsements of a comment filed by a major trade association. Opposing comments centered around the 12-hour limitation between the time the birds are taken off feed and the time of weighing. Concern was expressed that the time limitation was too restrictive and could result in higher risk of microbiological contamination from fecal material. Several comments suggested weather conditions, bird size, feed formulations and other factors affect the time required for feed digestion. Other comments questioned the time limitation in light of possible delays in weighing due to truck breakdowns, adverse weather conditions, etc. One comment indicated an increase in cost to the poultry dealer would result from the proposal.

An opposing comment from a national farm organization stated that they "would support new weighing regulations if they are proposed in a new document and further clarification is provided on the 12 hour limitation for weighing poultry and the interpretation of the term 'immediately'." Another

opposing comment from a major poultry dealer stated that, "The weighing of poultry immediately upon arrival at the plant is a proper request," but that the time off feed proposal is too restrictive.

Four comments favoring the proposal were in agreement that the current weighing regulations do not provide satisfactory protection to poultry growers and supported the weighing proposal as written. After review of the comments, the Agency has decided to delete the 12-hour time restriction from the regulation as it is believed that it may be too restrictive under some circumstances. Also, the phrase "growout contract" in the proposed regulation will be replaced with "poultry growing arrangement" to conform to the defined terms in Title I of the Packers and Stockyards Act. The adopted regulation will require prompt transportation of poultry after loading and immediate weighing on arrival at the processing plant, holding yard or other scale location.

Annual Reports

It was proposed to add "live poultry dealer" to regulation § 201.97 thus requiring poultry dealers to file annual reports of their operations. A majority of those responding opposed this proposal, however, most merely endorsed the objection filed by a major trade organization without further comment and ten were from the same firm.

All the objections filed to the proposal were basically the same as those advanced by the trade organization: (1) The information provided by annual reports would not provide the Agency with authority to act and would create an unnecessary burden on the industry, and (2) concern that the confidentiality of the sensitive information provided could not be maintained.

It is recognized that neither jurisdiction nor authority to act is provided by information obtained from annual reports. The authority is provided by the statute itself. Information supplied by annual reports provides information to "act on" within the range of that authority. Annual report information has long been a recognized means for channeling the Agency's resources to the potential problem areas in the red meat industry in administering similar provisions of the Act. It has been accepted well by the industry as a less burdensome alternative to the Agency conducting periodic audits which require time and personnel resources on the part of the firm as well as the Agency.

To the extent the comments in opposition to this proposal have implied that the Agency has no authority to act unless there is a failure to pay, they have been considered; however, it is the Agency's position that such a position is not consistent with the intent and purpose of the amendments to the Act. The Committee on Agriculture in its report dated October 27, 1987, on the Poultry Producers Financial Protection Act of 1987 included the following statement in reference to the purpose and need for the amendments:

> Moreover, the amendments made by the bill relating to prompt payment and statutory trust are designed to ensure that those engaged in poultry production *are protected* from *circumstances* that could inflict heavy losses on an extremely important segment of our nation's agricultural community. (Emphasis added)

Clearly the Congress did not intend that the Secretary be given this rsponsibility without also providing the authority to obtain information to carry out this responsibility in the most efficient and expeditious way possible. Annual reports provide this information without any undue burden on the industry.

The nation's largest general farm organization and a supporter of the 1987 poultry amendments to the Act recognized the need for this requirement in its comments stating:

> We recognize this requirement as an important management tool for P&SA in order to direct their limited resources to the surveillance of companies that are most likely to become problems. This requirement could also be helpful to live poultry dealers and P&SA in heading off problems before they occur.

It has long been an established policy of Packers and Stockyards Administration to obtain compliance with the payment provisions of the Act by informal means whenever possible. Some of the comments filed would indicate that the Agency has no authority to act except for the issuance of an administrative complaint and then only if there has been failure to pay. We believe this position is counterproductive and not in keeping with the intent and purpose of the amendments to provide information that enables the Agency and the industry to work together to obtain correction and compliance on an informal basis before losses occur.

In reference to the opposition to this proposal based on the confidentiality of the information required to be supplied on annual reports, the Agency has a long history of recognizing the sensitivity of such information in the red meat industry and has an established record of protecting the integrity of its relationship with the industry in this regard. Moreover, such information is protected from unauthorized disclosure by the same law giving the Agency the authority to obtain the information. It is absolutely essential that the Agency have the information necessary to help prevent losses before they occur whenever possible rather than to be continually engaged in "mopping up" operations after the damage is done. After consideration of all the comments on the proposal, the Agency believes that the filing of annual reports by poultry dealers is necessary to provide such information, therefore, the amendment to regulation § 201.97 is issued as proposed.

Furnishing Business Information

It was proposed to amend regulation § 201.94 to require live poultry dealers to provide business information as requested. One comment was received in opposition to this proposal suggesting such information was unnecessary to carry out the regulatory functions of Packers and Stockyards Administration. The Agency believes it is necessary to require subject firms to furnish business information upon request in order to effectively conduct investigations or inquiries and therefore regulation § 201.94 will be adopted as a final rule.

No opposing comments were received to the proposed amendment to add "live poultry dealers" to regulation § 201.43, nor were there any comments opposing amendments to regulations §§ 210.49, 201.53, 201.71, 201.73, 201.76, 201.82, 201.95, 201.96, 201.100 or policy statement § 203.4 which removes references to poultry "handlers". Likewise, amending policy statement § 203.15 dealing with trust notification procedures to include poultry sellers and growers received no opposition. Accordingly, the above regulations and policy statements will be adopted as proposed, except for part (a) of regulation § 201.71 which was previously published as a final rule on February 1, 1989 (54 FR 5073). The reference to "poultry handlers" in regulation § 201.71(a) was removed by the final rule published February 1, 1989 which updated the regulation to incorporate the current version of National Bureau of Standards Handbook 44.

Executive Order

Regulatory impact analysis is not required for these amendments because it has been determined that they are not "major" rules as defined by section 1(b) of E.O. 12291. They will not have an annual effect on the economy of $100 million or more, and they will not result in major increases in costs or prices for

consumers, individual industries, government agencies, or geographic regions. They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that these amendments will not have significant impact on family formation, maintenance, and general well-being, per E.O. of September 2, 1987, and will not have substantial direct effects on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, per E.O. of October 23, 1987.

Regulatory Flexibility Act

It has been determined that these amendments will not have a significant economic impact on a substantial number of small entities. The number of entities in the United States affected by the amendments is believed to be about 350.

The annual report form generally to be used for firms with less than $100,000 in purchases or sales of live poultry, or value of live poultry obtained under poultry growing arrangements, is a one page form, and the public reporting burden is estimated to average .33 hours (one third of one hour) per response. The number of these small firms is believed to be about 20. For all other firms, the public reporting burden for the longer annual report form is estimated to average three hours per response.

The compliance burden other than reporting is not expected to be significant either.

Paperwork Reduction Act of 1980

Information collection requirements contained in these regulations have been approved by the Office of Management and Budget under Control No. 0590-0001.

Accordingly, 9 CFR Parts 201 and 203 are amended as set forth below.

List of Subjects In 9 CFR Parts 201 and 203

Stockyards, Market agencies, Dealers, Packers, Live poultry dealers.

Done at Washington, DC, this 18th day of April 1989.

B. H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

1. The authority citation for Part 201 continues to read as follows:

Authority: 7 U.S.C. 222, 228(a), 7 CFR 2.17(e), 2.56.

2. Section 201.43 is amended by revising the heading of paragraph (b), and revising paragraph (b)(4), to read as set forth below, and removing paragraph (d):

§ 201.43 Payment and accounting for livestock and live poultry.

* * * * *

(b) *Prompt payment for livestock and live poultry—terms and conditions.*

* * * * *

(4) No packer, live poultry dealer, market agency, or livestock dealer shall as a condition to its purchase of livestock or poultry, impose, demand, compel or dictate the terms or manner of payment, or attempt to obtain a payment agreement from a seller through any threat of retaliation or other form of intimidation.

* * * * *

(d) [Removed]

3. Sections 201.49(b), 201.53, 201.71 (b) and (d), 201.72 (a) and (b), 201.73, 201.76, 201.82, 201.94, 201.95, 201.96, and 201.97 are revised to read as follows:

§ 201.49 Requirements regarding scale tickets evidencing weighing of livestock and live poultry.

* * * * *

(b) Poultry. When live poultry is weighed for the purpose of purchase, sale, acquisition, or settlement by a live poultry dealer, a scale ticket shall be issued which shall show:

(1) The name of the agency performing the weighing service;

(2) The name of the live poultry dealer;

(3) The name and address of the grower, purchaser, or seller;

(4) The name or initials of the person who weighed the poultry;

(5) The location of the scale;

(6) The gross weight, tare weight, and net weight;

(7) The date and time gross weight and tare weight are determined;

(8) The number of poultry weighed;

(9) The weather conditions;

(10) Whether the driver was on or off the truck at the time of weighing; and

(11) The license number of the truck or the truck number; *Provided,* That when live poultry is weighed on a scale other than a vehicle scale, the scale ticket need not show the information specified in paragraphs (b) (9), (10), and (11) of this section. Scale tickets issued under this paragraph shall be at least in duplicate form and shall be serially numbered and used in numerical sequence. One copy shall be furnished to the grower, purchaser, or seller, and one copy shall be furnished to or retained by the live poultry dealer.

§ 201.53 Persons subject to the Act not to circulate misleading reports about market conditions or prices.

No packer, live poultry dealer, stockyard owner, market agency, or dealer shall knowingly make, issue, or circulate any false or misleading reports, records, or representation concerning the market conditions or the prices or sale of any livestock, meat, or live poultry.

§ 201.71 Scales; accurate weights, repairs, adjustments or replacements after inspection.

* * * * *

(b) All scales used by stockyard owners, market agencies, dealers, packers, and live poultry dealers to weigh livestock or live poultry for the purpose of purchase, sale, acquisition or settlement shall be equipped with a printing device which shall be used for recording weight values on a scale ticket or other document used for this purpose.

* * * * *

(d) No scales shall be operated or used by any stockyard owner, market agency, dealer, packer, or live poultry dealer to weigh livestock, livestock carcasses or live poultry for purposes of purchase, sale, acquisition or settlement unless it has been found upon test and inspection, as specified in § 201.72 of the regulations, to be in a condition to give accurate weight. If a scale is inspected or tested and found incorrect or inaccurate or if any repairs, adjustments or replacements are made to a scale, it shall not be used until it has been inspected and tested and met all accuracy requirements specified in the regulations.

§ 201.72 Scales; testing of.

(a) Each stockyard owner, market agency, dealer, packer, or live poultry dealer who weighs livestock or live poultry for purposes of purchase, sale, acquisition or settlement, or who weighs livestock carcasses for the purpose of purchase on a carcass weight basis, or who furnishes scales for such purposes, shall cause such scales to be tested by competent persons in accordance with the regulations at least twice during each calendar year at intervals of approximately six months. More frequent testing will be required in cases

where the scale does not maintain accuracy between tests.

(b) Each stockyard owner, market agency, dealer, packer or live poultry dealer who weighs livestock, livestock carcasses or live poultry for purposes of purchase, sale, acquisition or settlement shall furnish reports of such tests and inspections on forms prescribed by the Administrator. The stockyard owner, market agency, dealer, packer or live poultry dealer shall retain one copy of the test and inspection report and shall file one copy with the regional office for the region in which the scale is located.

* * * * *

§ 201.73 Scale operators to be qualified.

Stockyard owners, market agencies, dealers, packers and live poultry dealers shall employ qualified persons to operate scales for weighing livestock, livestock carcasses or live poultry for the purpose of purchase, sale acquisition or settlement, and they shall require such employees to operate the scales in accordance with the regulations.

§ 201.76 Reweighing.

Stockyard owners, market agencies, dealers, packers and live poultry dealers shall reweigh livestock, livestock carcasses or live poultry on request of any authorized representative of the Secretary.

§ 201.82 Care and promptness in weighing and handling livestock and live poultry.

(a) Each stockyard owner, market agency, dealer, packer and live poultry dealer shall exercise reasonable care and promptness with respect to loading, transporting, holding, yarding, feeding, watering, weighing or otherwise handling livestock or live poultry to prevent waste of feed, shrinkage, injury, death or other avoidable loss.

(b) Whenever live poultry is obtained under a poultry growing agreement, the poultry shall be transported promptly after loading and the gross weight for grower payment purposes shall be determined immediately upon arrival at the processing plant, holding yard, or other scale normally used for such purpose.

§ 201.94 Information as to business; furnishing of by packers, live poultry dealers, stockyard owners, market agencies, and dealers.

Each packer, live poultry dealer, stockyard owner, market agency, and dealer, upon proper request, shall give to the Secretary or his duly authorized representatives in writing or otherwise, and under oath or affirmation if requested by such representatives, any information concerning the business of the packer, live poultry dealer, stockyard owner, market agency, or dealer which may be required in order to carry out the provisions of the Act and regulations in this part within such reasonable time as may be specified in the request for such information.

§ 201.95 Inspection of business records and facilities.

Each stockyard owner, market agency, dealer, packer, and live poultry dealer, upon proper request, shall permit authorized representatives of the Secretary to enter its place of business during normal business hours and to examine records pertaining to its business subject to the Act, to make copies thereof and to inspect the facilities of such persons subject to the Act. Reasonable accommodations shall be made available to authorized representatives of the Secretary by the stockyard owner, market agency, dealer, packer, or live poultry dealer for such examination of records and inspection of facilities.

§ 201.96 Unauthorized disclosure of business information prohibited.

No agent or employee of the United States shall, without the consent of the stockyard owner, market agency, dealer, packer or live poultry dealer concerned, divulge or make known in any manner, any facts or information regarding the business of such person acquired through any examination or inspection of the business or records of the stockyard owner, market agency, dealer, packer or live poultry dealer, or through any information given by the stockyard owner, market agency, dealer, packer, or live poultry dealer pursuant to the Act and regulations, except to such other agents or employees of the United States as may be required to have such knowledge in the regular course of their official duties or except insofar as they may be directed by the Administrator or by a court of competent jurisdiction, or except as they may be otherwise required by law.

§ 201.97 Annual reports.

Every packer, live poultry dealer, stockyard owner, market agency, and dealer (except a packer buyer registered to purchase livestock for slaughter only) shall file annually with the Administration a report on prescribed forms not later than April 15 following the calendar year end or, if the records are kept on a fiscal year basis, not later than 90 days after the close of his fiscal year. The Administrator on good cause shown, or on his own motion, may grant a reasonable extension of the filing date or may waive the filing of such reports in particular cases.

(Approved by the Office of Management and Budget under Control No. 0590–0001.)

4. The heading preceding §§ 201.100 and 201.100 are revised to read as follows:

Poultry-Packers and Live Poultry Dealers

§ 201.100 Records to be furnished poultry growers and sellers.

(a) *Contracts; contents.* Each live poultry dealer who enters into a growout (feeding) contract with a poultry grower shall furnish the grower a true written copy of the contract, which shall clearly specify:

(1) The duration of the contract and conditions for the termination of the contract by each of the parties; and

(2) All terms relating to the payment to be made to the poultry grower, including among others, where applicable, the following:

(i) The party liable for condemnations, including those resulting from plant errors;

(ii) The method or figuring feed conversion ratios;

(iii) The formula or method used to convert condemnations to live weight;

(iv) The per unit charges for feed and other inputs furnished by each party; and

(v) The factors to be used when grouping or ranking poultry growers.

(b) *Settlement sheets; contents; supporting documents.* Each live poultry dealer, who acquires poultry pursuant to a contract with a poultry grower, shall prepare a true and accurate settlement sheet (final accounting) and furnish a copy thereof to the poultry grower at the time of settlement. The settlement sheet shall contain all information necessary to compute the payment due the poultry grower. For all such arrangements in which the weight of birds affects payment, the settlement sheet shall show, among other things, the number of live birds marketed, the total weight and the average weight of the birds, and the payment per pound.

(c) *Condemnation and grading certificates.* Each live poultry dealer, who acquires poultry pursuant to a contract with a poultry grower which provides that official U.S. Department of Agriculture condemnations or grades, or both, are a consideration affecting payment to the grower, shall obtain an official U.S. Department of Agriculture condemnation or grading certificate, or

both, for the poultry and furnish a copy thereof to the poultry grower prior to or at the time of settlement.

(d) *Grouping or ranking sheets.* Where the contract between the live poultry dealer and the poultry grower provides for payment to the poultry grower based upon a grouping or ranking of poultry growers delivering poultry during a specified period, the live poultry dealer shall furnish the poultry grower, at the time of settlement, a copy of a grouping or ranking sheet which shows the grower's precise position in the grouping or ranking sheet for that period. The grouping or ranking sheet need not show the names of other growers, but shall show the actual figures upon which the grouping or ranking is based for each grower grouped or ranked during the specified period.

(e) *Live poultry purchases.* Each live poultry dealer who purchases live poultry shall prepare and deliver a purchase invoice to the seller at time of settlement. The purchase invoice shall contain all information necessary to compute payment due the seller. When U.S. Department of Agriculture condemnations or U.S. Department of Agriculture grades, or both, of poultry purchased affect final payment, copies of official U.S. Department of Agriculture condemnation certificates or grading certificates, or both, shall be furnished to the seller at or prior to the time of settlement.

(Approved by the Office of Management and Budget under control number 0590-0001)

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

5. An authority citation for Part 203 is hereby added to read as follows:

Authority: 7 CFR 2.17(e), 2.56

6. Sections 203.4(a), (b) and (c) and 203.15 are revised to read as follows:

§ 203.4 Statement with respect to the disposition of records by packers, live poultry dealers, stockyard owners, market agencies and dealers.

(a) *Records to be kept.* Section 401 of the Packers and Stockyards Act (7 U.S.C. 221) provides, in part, that every packer, live poultry dealer, stockyard owner, market agency, and dealer shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. In order to properly administer the P&S Act, it is necessary that records be retained for such periods of time as may be required to permit the Packers and Stockyards Administration a reasonable opportunity to examine such records. Section 401 of the Act does not, however, provide for the destruction or disposal of records. Therefore, the Packers and Stockyards Administration has formulated this policy statement to provide guidance as to the periods of time after which records may be disposed of or destroyed.

(b) *Records may be disposed of after two years except as otherwise provided.* Except as provided in paragraph (c) of this section, each packer, live poultry dealer, stockyard owner, market agency, and dealer may destroy or dispose of accounts, records, and memoranda which contain, explain, or modify transactions in its business subject to the Act after such accounts, records, and memoranda have been retained for a period of two full years; *Provided,* That the following records made or kept by a packer may be disposed of after one year: cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence; telegrams; teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda; and *Provided further,* That microfilm copies of records may be substituted for and retained in lieu of the actual records.

(c) *Retention for longer periods may be required.* The periods specified in paragraph (b) of this section shall be extended if the packer, live poultry dealer, stockyard owner, market agency, or dealer is notified in writing by the Administrator that specified records should be retained for a longer period pending the completion of any investigation or proceedings under the Act.

* * * * *

§203.15 Trust benefits under sections 206 and 207 of the Act.

(a) Within the times specified under sections 206(b) and 207(d) of the Act, any livestock seller, live poultry seller or grower, to preserve his interest in the statutory trust, must give written notice to the appropriate packer or live poultry dealer and file such notice with the Secretary. One of the ways to satisfy the notification requirement under these provisions is to make certain that notice is given to the packer or live poultry dealer within the prescribed time by letter, mailgram, or telegram stating:

(1) Notification to preserve trust benefits:

(2) Identification of packer or live poultry dealer;

(3) Identification of seller or poultry grower;

(4) Date of the transaction;

(5) Date of seller's or poultry grower's receipt of notice that payment instrument has been dishonored (if applicable); and

(6) Amount of money due; and to make certain that a copy of such letter, mailgram, or telegram is filed with a P&SA Regional Office or with P&SA, USDA, Washington, DC 20250, within the prescribed time.

(b) While the above information is desirable, any written notice which informs the packer or live poultry dealer and the Secretary that the packer or live poultry dealer has failed to pay is sufficient to meet the above-mentioned statutory requirement if it is given within the prescribed time.

(Approved by the Office of Management and Budget under control number 0590-0001)

[FR Doc. 89-9607 Filed 4-21-89; 8:45 am]
BILLING CODE 3410-KD-M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

[Regulations G, T, U, and X]

Securities Credit Transactions; List of Marginable OTC Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OCT Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published four times a year by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List which was effective February 13, 1989, and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: May 8, 1989.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation

Analyst, Division of Banking Supervision and Regulation, (202) 452-2781. For the hearing impaired *only*, Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. This supersedes the last List which was effective February 13, 1989. Additions and deletions for that List were published on January 30, 1989 (54 FR 4254). A copy of the complete List incorporating these additions and deletions is available from the Federal Reserve Banks.

The List of Marginable OTC Stocks includes those stocks that meet the criteria in Regulations G, T and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The List also includes any stock designated under a Securities and Exchange Commission (SEC) rule as qualified for trading in the national market system (NMS security). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their NMS designation. The names of these stocks are available at the Board and the SEC and will be incorporated into the Board's next quarterly List.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and contained inclusion on the List specified in 12 CFR 207.6(a) and (b), 220.17(a) and (b), and 221.7(a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. § 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements, Reporting and Recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6(c) (Regulation G), 12 CFR 220.2(s) and 220.17(c) (Regulation T), and 12 CFR 221.2(j) and 221.7(c) (Regulation U), there is set forth below a listing of deletions from and additions to the Board's List of Marginable OTC Stocks:

Deletions From List

Stocks Removed For Failing Continued Listing Requirements

202 Data Systems, Inc.
$.10 par common
Amfed Financial Corporation
$.01 par common
Atlantic Permanent Savings Bank F.S.B. (Virginia)
$1.00 par common
Automatix Incorporated
$.05 par common
Autospa Corporation
$.01 par common
Broadview Savings Bank
No par common
Card*Tel, Inc.
$.01 par common
Commonwealth Savings and Loan Association F.A. (Florida)
$1.00 par common
Computer Components Corporation
$.01 par common
Warrants (expire 06-18-91)
Delta US Corporation
$.01 par common
Dionics, Inc.
$.01 par common
Environmental Treatment & Technologies Corp.
8% convertible subordinated debentures
Enzon, Inc.
Warrants (expire 02-15-89)
Farragut Mortgage Company, Inc.
$.10 par common
Federal Savings Bank of Puerto Rico, The
$1.00 par common
Financial Benefit Group, Inc.
Class B, $.01 par common
First Colorado Financial Corp.
$1.00 par common
First Farwest Corporation
$2.50 par common
First Federal Savings of Arkansas, F.A.
$.01 par common
Hospital Newspapers Group, Inc.
$.001 par common
Interactive Technologies, Inc.
No par common
Warrants (expire 03-06-91)
Lasertechnics, Inc.
$.01 par common
MCI Communications Corporation
7¾% convertible subordinated debentures
National Healthcare, Inc.
$.01 par common
Nova Pharmaceutical Corporation
Class B, warrants (expire 02-05-89)
Novo Corporation
$.01 par common
Peregrine Entertainment, Ltd.
No par common
Physio Technology Inc.
No par common
Piezo Electric Products, Inc.
$1.00 par cumulative convertible preferred
Pubco Corporation
$.01 par common
Radionics, Inc.
No par common
Rise Technology, Inc.
$.01 par common
Royal Palm Savings Bank (Florida)
$1.60 par common
Sis Corporation
No par common
Snelling and Snelling, Inc.
$.05 par common
Sybra, Inc.
$.10 par common
Telequest, Inc.
No par common
Texas American Energy Corporation
12⅞% convertible subordinated debentures
Travelers Real Estate Investment Trust
No par shares of beneficial interest
Travelers Realty Income Investors
No par shares of beneficial interest

Trio-Tech International
No par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

Bank of Delaware Corporation
$.10 par common
Budget Rent a Car Corporation
$.01 par common
Chemclear, Inc.
$.01 par common
Citizens & Southern Corp.
$2.50 par common
Computer Entry Systems Corporation
$.05 par common
Continuum Company, The
$.10 par common
Eaton Financial Corporation
$.10 par common
Electro-Nucleonics, Inc.
$.02½ par common
Equion Corporation, The
$.01 par common
First Maryland Bancorp
$5.00 par common
First Service Bank for Savings (Massachusetts)
$.10 par common
Galactic Resources Ltd.
No par common
Henley Manufacturing Corp.
$.01 par common
Huntingdon International Holdings PLC
American Depository Receipts
L.A. Gear, Inc.
No par common
Langley Corporation
$1.00 par common
Laurel Entertainment, Inc.
$.001 par common
Major Video Corp.
$.001 par common
Malrite Communications Group, Inc.
$.01 par common
Class A, $.01 par common
Medicare-Glaser Corporation
$.50 par common
Metro Mobile CTS, Inc.
Class A, convertible, $.10 par common
Class B, $.10 par common
Micro D, Inc.
$.01 par common
MNC Financial Inc.
$2.50 par common
Mobile Communications Corporation of America
Class A, $1.00 par common
Class B, $1.00 par common
Morino, Inc.
$.01 par common
Northern Air Freight, Inc.
$.01 par common
OMI Corp.
$.50 par common
$1.00 par convertible exchangeable preferred
Republic American Corporation
$.01 par common
Reynolds and Reynolds Company, Inc.
Class A, $.625 par common
Scicom Data Services, Ltd.
$.10 par common
Shoney's, Inc.
$1.00 par common
Specialty Composites Corporation
$.01 par common
Stanley Interiors Corporation
$.01 par common
Temco Home Health Care Products
$.01 par common
U.S. Health Inc.
$.0556 par common
Union National Corporation
$1.00 par common
Union Planters Corporation
$5.00 par common
University Savings Bank
$.01 par common
Wendt-Bristol Company, The
$.01 par common
Warrants (expire 10–16–91)
Williams, A.L., Corporation, The
$.10 par common
Wilson Foods Corporation
$.50 par common
Windmere Corporation
$.10 par common

Additions to the List

Anangel-American Shipholders Limited
American Depository Receipts
Arksansas Freightways Corporation
$.01 par common
BF Enterprises, Inc.
$.10 par common
BTU International, Inc.
$.01 par common
Callon Consolidated Partners, L.P.
Limited partnership units
Central & Southern Holding Company
$1.00 par common
Chemex Pharmaceuticals, Inc.
1989–1 Warrants (expire 03–31–94)
Communication Cable, Inc.
$1.00 par common
Condor Services, Inc.
$.01 par common
Corporate Capital Resources, Inc.
$.025 par common
Dover Regional Financial Shares
No par shares of beneficial interest
Ecogen, Inc.
$.01 par common
Electrosource, Inc.
$.10 par common
Equity Bank, The (Connecticut)
$10.00 par common
Farm & Home Financial Corporation
13% Series A, cumulative exchangeable preferred
FSI International, Inc.
No par common
Hitox Corporation of America
$.25 par common
Marcor Development Company, Inc.
$.01 par common
Mobile Telecommunication Technologies Corp.
$.01 par common
NAC RE Corp.
6¼% convertible subordinated debentures
Network General Corporation
$.01 par common
Nooney Realty Trust, Inc.
$1.00 par common
North American Bancorporation Inc.
$5.00 par common
Nucorp, Inc.
Warrants (expire 10–31–89)
Office Club, Inc., The
No par common
Pettibone Corporation
$.01 par common
Premier Financial Services, Inc.
$5.00 par common
Pricor Incorporated
$.01 par common
Provident Bancorp, Inc.
No par common
Ravenswood Financial Corporation
$1.00 par common
Red Eagle Resources Corporation
$.10 par common
Rocking Horse Child Care Centers of America, Inc., The
$.001 par common
Simetco, Inc.
$1.00 par common
Southern Educators Life Insurance Company
$.50 par common
Stratford American Corporation
$.01 par common
Tejas Gas Corporation
$.25 par common
Transmation, Inc.
$.50 par common
Trimas Corporation
$.01 par common
United Federal Bancorp, Inc.
$.01 par common
Utah Medical Products, Inc.
$.01 par common
Vanfed Bancorp
$1.00 par common
WLR Foods, Inc.
$1.00 par common

By order of the Board of Governors of the Federal Reserve System, acting by its Staff Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(18)), April 21, 1989.

William W. Wiles,

Secretary of the Board.

[FR Doc. 89–9706 Filed 4–21–89; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 785

[Docket No. 90132-9032]

Exports to North Korea; Shipments of Commercially-Supplied Goods

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) is revising § 785.1 of the Export Administration Regulations (EAR) to allow shipments to North Korea of commercially-supplied goods intended to meet basic human needs. Such exports may be authorized under an individual validated license on a case-by-case basis. Previously, only exports of donated goods to meet human needs were allowed.

This is part of a broader foreign policy initiative intended to encourage North Korea to end its policy of confrontation and international terrorism. In July of 1988, the Republic of Korea (South Korea) introduced a new policy aimed at fostering dialogue and contact among the two Korean states and their allies. In support of these goals, the United States Government announced new foreign policy initiatives on October 31, 1988. These included encouragement of unofficial, non-governmental visits from North Korea, facilitation of travel by U.S. citizens to North Korea, diplomatic discussions in neutral settings with North Korean officials, and this change in export controls to permit commercial sales of humanitarian goods.

EFFECTIVE DATE: This rule is effective April 24, 1989.

FOR FURTHER INFORMATION CONTACT: Stewart Ballard, Country Policy Division, Office of Technology and Policy Analysis, Bureau of Export Administration, Telephone: (202) 377-4439.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under Control Number 0694-0005.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. Section 13(a) of the Export Administration Act of 1979, as amended (EAA) (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA does not require this rule be published in proposed form because this rule does not impose a new control. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 785

Communist countries, Exports.

Accordingly, Part 785 of the Export Administration Regulations is amended as follows:

PART 785—[AMENDED]

1. The authority citation for 15 CFR Part 785 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, Pub. L. 99-64 of July 12, 1985 and Pub. L. 100-418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

2. Section 785.1, paragraph (a) is revised by adding two sentences at the end of the paragraph to read as follows:

§ 785.1 Country Group Z [1]: North Korea, Vietnam, Cambodia and Cuba.

(a) * * * Exports of commercially-supplied goods to meet basic human needs may be authorized under an individual validated license on a case-by-case basis for destinations in North Korea. The types of commodities that may be supplied commercially to meet basic human needs are the same as those types of commodities described in Supplement No. 7 to Part 773, but are not restricted solely to small scale projects at the local level.

* * * * *

Dated: April 18, 1989.

Michael E. Zacharia,

Assistant Secretary for Export Administration.

[FR Doc. 89-9785 Filed 4-21-89; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N-89-1950; FR-2626]

Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas; Correction.

SUMMARY: This Notice corrects the "high-cost" mortgage limits published in the **Federal Register** April 7, 1989 (54 FR 14075) for Broward County, Florida.

EFFECTIVE DATE: April 7, 1989.

FOR FURTHER INFORMATION CONTACT: For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Robert J. Coyle, Director, Title I Insurance Division, Room 9160; telephone (202) 755-6880; 451 Seventh Street, SW., Washington, DC 20410. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: On April 7, 1989 (54 FR 14075), the Department published in the **Federal Register** a

[1] See Supplement No. 1 to Part 770 for listing of Country Groups.

notice that amended the list of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act by increasing "high-cost" mortgage limits for eleven areas; and by adding "high-cost" mortgage limits for seven areas. The limits for Broward County, Florida were incorrect.

Accordingly, the following corrections are made to FR Doc. 89-8303 in the **Federal Register** issue dated April 7, 1989 (54 FR 14075), as follows:

On page 14076, in the table for Region IV, the limits for Broward County, Florida should be corrected as they appear below.

REGION IV.—HUD FIELD OFFICE—CORAL GABLES OFFICE

Market area designation and local jurisdictions	1-family and condo unit	2-family	3-family	4-family
Ft. Lauderdale-Hollywood-Pompano Beach, FL MSA Broward County	$95,000	$107,000	$130,000	$150,000

Dated: April 18, 1989.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 89-9776 Filed 4-21-89; 8:45 am]

BILLING CODE 4210-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-3557-1]

Minnesota: Final Authorization of Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final authorization of Hazardous Waste Management Program.

SUMMARY: Minnesota has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Minnesota's 1987 and 1988 applications and has reached a decision, subject to public review and comment, that Minnesota's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to Minnesota to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984.

DATES: *Effective date.* Final authorization for Minnesota's application shall be effective June 23, 1989 unless EPA publishes a prior **Federal Register** action withdrawing this final authorization. All comments on Minnesota's final authorization must be received by 4:30 p.m. on May 24, 1989.

ADDRESSES: Copies of Minnesota's final authorization applications are available during the hours 9:00 a.m. to 4:00 p.m. at the following addresses for inspection and copying: Ms. Carol Nankivel, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, Phone 612/296-7260; U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460, Phone 202/382-5926; Ms. Christine Klemme, U.S. EPA, Region V, 230 S. Dearborn, 13th Floor, Chicago, Illinois 60604, Phone 312/886-3715. Written comments should be sent to Ms. Christine Klemme, Waste Management Division, Office of RCRA, 230 S. Dearborn, 5HR-JCK-13, Chicago, Illinois 60604, Phone 312/886-3715.

FOR FURTHER INFORMATION CONTACT: Christine Klemme, Minnesota Regulatory Specialist, U.S. Environmental Protection Agency, Region V, Waste Management Division, Office of RCRA, Program Management Branch, Regulatory Development Section, 5HR-JCK-13, 230 South Dearborn, Chicago, Illinois 60604, (312) 886-3715 FTS 8 886-3715).

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA) allow States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. A State exercising this option receives "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later applies for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessary because of changes to EPA's regulations in 40 CFR Parts 124, 260-268 and 270.

B. Minnesota

Minnesota initially received final authorization for the base RCRA program on February 11, 1985. On June 30, 1986, Minnesota submitted a revision application for additional program approvals. On July 20, 1987, EPA published a proposal to approve Minnesota's program revision application in accordance with 40 CFR 271.21(b)(4). On September 18, 1987, that proposal became effective.

On January 29, 1988, and November 18, 1988, Minnesota submitted additional revision applications.

EPA has reviewed Minnesota's applications and has made a final decision that Minnesota's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Consequently, EPA is granting final authorization for the additional program modifications to Minnesota.

Minnesota will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the Federal program as listed below:

Federal Requirement	State Authority
Amendments to Part B Information Requirements for Disposal Facilities, June 22, 1987, 52 FR 23447-23450.	Rule 7001.0640(2).
List (Phase I) of Hazardous Constituents for Groundwater Monitoring, July 9, 1987, 52 FR 25946-25953.	Rule 7045.0484 (12) and (13); 7045.0143; 7001.0640.
Liability Coverage, November 18, 1987, 52 FR 44314-44321.	Rule 7045.0518(7); 7045.0524(8); 7045.0620(6).

Federal Requirement	State Authority
Standards for Hazardous Waste Storage and Treatment Tank Systems, July 14, 1986, 51 FR 25470–25486 and *August 15, 1986, 51 FR 29430–29431.	Rule 7045.0020; 7045.0120; 7045.0219; 7045.0292; 7045.0452; 7045.0478; 7045.0490; 7045.0498; 7045.0528; 7045.0075; 7045.0556; 7045.0564; 7045.0584; 7045.0600; 7045.0608; 7045.0628; 7045.0075; 7045.0629; 7001.0560; 7001.0580; 7001.0650.
*Hazardous Waste Exports July 15, 1985, 50 FR 28702–28755.	Rule 7045.0302(5).
*Exports of Hazardous Wastes; August 8, 1986, 50 FR 28664–28686.	Rule 7045.0219(5); 7045.0125(12); 7045.0296; 7045.0302; 7045.0020; 7045.0302; 7045.0304; 7045.0375; 7045.0381.
*Listing of EDBC, October 24, 1986, 51 FR 37725–37729.	Rule 7045.0135; 7045.0065; 7045.0139.
Financial Responsibility: Settlement Agreement May 2, 1986, FR 16443–16459.	Rule 7045.0020; 7045.0486; 7045.0488; 7045.0490; 7045.0492; 7045.0494; 7045.0496; 7045.0498; 7045.0502; 7045.0504; 7045.0506; 7045.0508; 7045.0518; 7045.0524; 7045.0594; 7045.0596; 7045.0600; 7045.0602; 7045.0604; 7045.0606; 7045.0608; 7045.0610; 7045.0612; 7045.0614; 7045.0616; 7045.0620; 7045.0628; 7045.0630; 7001.0560; 7001.0190; 7001.0650; 7045.0670.
Listing of Spent Pickle Liquor, May 28, 1986, and amended September 22, 1986, 51 FR 19320/51 FR 33612.	Rule 7045.0135(3).
*Availability of Information —3006(f) 42 U.S.C. 6921.	Statute 13.03; 13.08; 13.37; 15.17; 15.171; 116.075; Rule 7045.0080.
*Direct Action Against Insurers —3004(t).	Statute 116.14.
*Sharing of Information with ATSDR–3019(b).	Statute 13.05(9).
Liability Coverage –July 11, 1986, 51 FR 25350–25356.	Rule 7045.0518; 7045.0524; 7045.0620.
Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents, August 6, 1986, 51 FR 28296–28310.	Rule 7045.0135(4); 7045.0141.
Closure/Post-Closure Care for Interim Status Surface Impoundments, March 19, 1987, 52 FR 8704–8709.	Rule 7045.0630(6).
*Permit Life, July 15, 1985, 50 FR 28702–28755.	Rule 7001.0140; 7001.0720(1); 7001.0150(1).
*Omnibus Provision, July 15, 1985, 50 FR 28702–28755.	Rule 7001.0150(2).
*Interim Status, July 15, 1985, 50 FR 28702–28755.	Rule 7001.0150(2); 7001.0650.(1) and (7); 7001.0530(2A).
*Research and Development Permits, July 15, 1985, 50 FR 28702–28755.	Rule 7001.0712.
*Exposure Information, July 15, 1985, 50 FR 28702–28755.	Rule 7001.0590
*Listing of TDI, DNT, TDA Waste, October 23, 1985, 50 FR 42936–42943.	Rule 7045.0135 (3) and (4); 7045.0075(2); 7045.0139; 7045.0141.
*Listing of Spent Solvents, December 31, 1985 50 FR 53315–53320.	Rule 7045.0135(2).
*Listing of EDB Wastes February 13, 1986, 51 FR 5327–5331.	Rule 7045.0135(3); 7045.0075(2); 7045.0139.
*Listing of Four Spent Solvents, February 25, 1986, 51 FR 6537–6541.	Rule 7045.0135 (2) and (4); 7045.0075(2); 7045.0139; 7045.0141.
*Generators of 100–1000 kg Hazardous Waste, March 24, 1986, 51 FR 10174–10176.	Rule 7045.0219(1), (4)–(6); 7045.0381(5); 7001.0520(2).
Radioactive Mixed Wastes, July 3, 1986, 51 FR 24504–24505.	Statute 116.06(13)
*Paint Filter Test, April 30, 1985, 50 FR 18370–18375.	Rule 7045.0458(2F); 7045.0478(3E); 7045.0538(10C); 7045.0564(2F); 7045.0584(3E); 7045.0638(7B).
*Small Quantity Generators, July 15, 1985, 50 FR 28702–28755.	Rule 7045.0219.
*Delisting, July 15, 1985, 50 FR 28702–28755.	Rule 7045.0075(2).
*Waste Minimization July 15, 1985, 50 FR 28702–28755.	Rule 7045.0296 (2F–H); 7045.0478 (1) and (3K); 7045.0482(2G); 7001.0150(2C); 7001.0650(1).
*Location Standards for Salt Domes, Beds, Underground Mines and Caves, July 15, 1985, 50 FR 28702–28755.	Rule 7045.0460(3); 7045.0556(7).
*Liquids in Landfills, July 15, 1985, 50 FR 28702–28755.	Rule 7045.0538(10); 7045.0638(7); 7001.0620.
*Groundwater Monitoring, July 15, 1985, 50 FR 28702–28755.	Rule 7045.0484(1); 7045.0484(12); 7045.0532(5); 7045.0532(7); 7034.0534, (4), (5), and (6); 7045.0538 (5) and (7).
*Cement Kilns, July 15, 1985 50 FR 28702–28755.	Rule 7045.0125; 7045.0135(4).
*Corrective Action July 15, 1985, 50 FR 28702–28755.	Rule 7045.0484(1); 7045.0485 (1) and (2); 7001.0520(3).

(the * indicates HSWA rules)

Any RCRA hazardous waste permits, or portions of permits, issued by EPA under the RCRA provisions for which Minnesota is receiving final authorization shall be administered by EPA. EPA will suspend issuance of any further permits under these provisions on the effective date of Minnesota's authorization.

The public may submit written comments on EPA's final decision up until May 24, 1989. Copies of Minnesota's application for program revision are available for inspection and copying at the location indicated in the "Addresses" section of this notice.

Approval of Minnesota's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period. If an adverse comment is received, EPA will publish a withdrawal of the final decision or a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Minnesota is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Effect of HSWA on Minnesota's Authorization

Before the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization administered its hazardous waste program instead of, or entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly applied the Federal requirements in the authorized State and EPA did not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time they take effect in non-authorized States. EPA carries out those requirements and prohibitions directly in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, at one point, adopt HSWA-related provisions as State law to retain final authorization.

As a result of the HSWA, there is a dual State/Federal regulatory program in Minnesota. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of

the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those HSWA requirements in Minnesota until the State is authorized for them. Among other things, this will entail the issuance of Federal RCRA permits for those HSWA requirements for which the State is not yet authorized in addition to the State permits.

Once EPA authorizes Minnesota to carry out a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision or prohibition. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement.

Today's rulemaking includes authorization of Minnesota's program for several requirements implementing the HSWA. Those requirements implementing the HSWA are specified above. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect.

EPA published a Federal Register notice explaining in detail the HSWA and its affect on authorized States (50 FR 28702–28755, July 15, 1985).

D. Decision

I conclude that Minnesota's applications for program revisions meet all the RCRA statutory and regulatory requirements. Accordingly, EPA grants Minnesota final authorization to operate its hazardous waste program as revised. Minnesota now has primary responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program. This responsibility is subject to the limitations of its program revision applications and previously approved authorities. Minnesota also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

E. Codification

Codification of the Minnesota program will be completed at a later date.

Compliance with Executive Order 12291: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Minnesota's program thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act: Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a) 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: April 14, 1989.

Frank M. Covington,

Deputy Regional Administrator.

[FR Doc. 89–9652 Filed 4–21–89; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[MM Docket No. 88–375; FCC 89–107]

FM Broadcast Service; Amendment of the Rules To Provide for an Additional FM Station Class (Class C3) and To Increase the Maximum Transmitting Power for Class A FM Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its rules to establish an additional class of FM broadcast stations, designated "Class C3", to be assigned throughout most of the United States. Creation of this new station classification will provide upgrade opportunities for some existing Class A FM broadcast stations. Upgrading from Class A to the new Class C3 will result in greatly expanded signal coverage for these stations, thereby enabling them to better serve their radio audiences. Also, the availability of another intermediate class of FM facility in sparsely populated areas may make additional new FM broadcast stations economically feasible.

EFFECTIVE DATE: May 24, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: B.C. "Jay" Jackson, Jr., Mass Media Bureau, (202) 632–9660.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information is estimated to vary from 72 hours 30 minutes to 302 hours 15 minutes per response with an average of 110 hours 13 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Federal Communications Commission, Office of the Managing Director, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060–0027), Washington, DC 20503.

Following is a summary of Commission's *First Report and Order* in MM Docket No. 88–375, adopted March 30, 1989 and released April 17, 1989. The full text of this action is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, Northwest, Washington, DC. The complete text of this action may also be purchased from the Commission's copy contractors, International Transcription Services, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Summary of the First Report and Order

1. On July 20, 1988, the Commission adopted a *Notice of Proposed Rule Making* ("*Notice*") (53 FR 38743, October 3, 1988) setting forth for public comment various proposed rule amendments that would potentially permit improvements in the facilities of the majority of Class A FM broadcast stations in the United States. Specifically, the Commission proposed the creation of a new intermediate class of FM broadcast stations in Zone II, and a general increase in the maximum permitted transmitting power for Class A FM broadcast stations from 3000 to 6000 Watts.

2. In response to the *Notice*, the Commission received 98 formal comments, 16 reply comments, and

several hundred informal letters and inquiries. Most of these comments and letters address issues related to the Class A power increase proposal, and some of them address the matter of the proposed new C3 station class as well. It is apparent from an initial review of these pleadings that there is sharp disagreement among the parties as to how any increase in transmitting power for Class A stations should be implemented, and that further study of the positions advocated in the comments, consideration of administrative details, and additional technical analysis is necessary.

3. By contrast, the majority of comments addressing the new C3 station class agree in favoring the rules proposed to provide for such a station class. The commenters confirm the Commission's tentative conclusion that the creation of this new station class will improve spectrum utilization and afford opportunities for some Class A stations in Zone II to expand coverage, thereby allowing these stations to provide improved service to their audiences. Because the technical and administrative issues associated with the Class C3 proposal are comparatively simple, and there is among the commenting parties a nearly universal consensus in support of the proposed rules, it appears that prompt consideration of the Class C3 rules, separate from action on the proposed Class A power increase, is appropriate.

4. In the *Notice*, the Commission proposed Class C3 to be an intermediate class between Class A and Class C2, with a maximum effective radiated power (ERP) of 25 kilowatts and a reference antenna height above average terrain (HAAT) of 100 meters (328 feet). Noting that this proposed ERP/HAAT combination would produce coverage midway between that of existing Classes A and C2, the Commission nonetheless invited comments as to whether some other combination might be more appropriate.

5. Additionally, it was proposed to revise the table of minimum distance separation requirements for domestic FM commercial broadcast stations by adding appropriate distances for the new Class C3. The distances proposed, except for the intermediate frequency ("IF") distances, were calculated by assuming a primary service area for Class C3 facilities bounded by the 1 mV/m (60 dBμ) F(50,50) field strength contour. Consistent rules proposed in MM Docket 86–144 (53 FR 10259, March 30, 1988), the IF distances proposed for Class C3 were calculated to prevent overlap of the predicted 36 mV/m (91 dBμ) contours of IF-related stations.

6. The Commission restated in the *Notice* the desire to assign FM broadcast stations in a manner that provides adequate protection to existing service but does not preclude additional allotments or assignments by protecting vast areas not actually served. Accordingly, the Commission proposed to reclassify, after a specific time period, existing stations continuing to operate with facilities that result in less predicted coverage than is normally expected for the pertinent station class.

7. Of the 98 formal comments filed in response to the *Notice*, 43 addressed the Class C3 proposal. All but one favored the proposal without major changes. Also, 3 of the 16 reply comments addressed the Class C3 proposal. All three reiterated support for it. Supporting commenters state that addition of the C3 Class would increase the efficiency and flexibility of the Commission's FM station classification scheme, that the proposed Class C3 is sensible from an economic standpoint, and that it would provide improvement of FM service in sparsely populated areas of the nation.

8. On the other hand, one party opposes the Class C3 proposal because it believes that the growth potential for public radio stations operating in the reserved portion of the FM band would be adversely affected by improvement of Class A commercial facilities. Most affected, according to this party, would be public radio stations operating on FM Channels 218, 219 and 220, channels that are particularly important for reserved band public radio service in areas where TV Channel 6 is also assigned.

9. Commenters favoring creation of Class C3 unanimously support the maximum ERP (25 kilowatts) and reference HAAT (100 meters) proposed for the new Class C3. All but one also concur with the proposed distance separation requirements, which were calculated on the basis of a primary service area bounded by the 1 mV/m (60 dBμ) contour. The reasons most often cited by the commenters for basing the distances on the 1 mV/m contour are: (1) that more C3 allotments could be made than if the Class B1 distances were to be used, and (2) that using the 1 mV/m contour would be consistent with the existing practice for all other FM stations in Zone II.

10. No commenters oppose, and several support, the proposal to reclassify, after a specified time period, existing stations continuing to operate with facilities that result in less predicted coverage than is normally expected for the pertinent station class. Greater Media supports the use of a three year period, noting that this policy was successful when applied to Class C stations in BC Docket 80–90. However, several other commenters suggest that a three year period is not warranted and that a shorter period would be more appropriate.

11. *Decision.* After consideration of the record developed in this proceeding with regard to the Class C3 proposal, the Commission concludes that the adoption of rules providing for such a class is in the public interest. The Commission finds that the potential benefits of the additional intermediate FM station class are significant and outweigh the administrative costs of its implementation.

12. Although the Class C3 rules will potentially help only ten to fifteen percent of Class A stations, those stations will be able to provide much better service with, in many cases, a relatively modest expenditure. Class C3 stations, with their greater power, will have much better coverage than Class A stations and will thus promote better spectrum utilization. Moreover, the Commission expects that some new Class C3 stations may be established in Zone II areas where a Class C2 allotment is not possible because of spacing requirements, and a Class A facility has been considered to be economically infeasible.

13. However, the assignment of Class C3 facilities may in some cases have a restrictive effect on possible future relocations and changes in facilities for non-commercial educational FM stations, particularly in markets where a Channel 6 TV station operates. To ensure the continued availability of adequate non-commercial educational FM radio service in such markets, the Commission will continue to apply the "heavy burden" policy developed in the *First Report and Order* in MM Docket 86–144 (52 FR 8259, March 17, 1987) to Class A upgrades on Channel 221, in order to lessen any possible hardship on non-commercial educational FM stations.

14. The Commission finds that the proposed maximum ERP of 25 kW and reference antenna HAAT of 100 meters are appropriate for the new class. These facilities will provide a predicted coverage area approximately midway between those of Class A and Class C2 stations. The Commission also finds that the proposed minimum distance separation requirements are appropriate. The co-channel, and the first, second and third adjacent channel distances are based on a Class C3

primary service area bounded by the F(50,50) 1 mV/m (60 dBμ) field strength contour. The distances calculated in this way are technically consistent with those currently applicable to all other station classes in Zone II, and will allow more Class C3 allotments to be made than if the existing Class B1 separations were applied. Concerning the IF distance separation requirements for the new Class C3, the Commission is adopting the proposed distances, which conform to the uniform 36 mV/m protection level established in MM Docket 86-144. (*Third Report and Order* in MM Docket 86-144, FCC 89-62, FR cite not yet available.)

15. The record in this proceeding supports the Commission's proposal to employ reclassification procedures to ensure that FM station classifications are commensurate with the size of the area actually served, and to prevent stations that do not meet minimum service requirements from receiving excessive protection, thereby precluding other operations. In the *Notice*, a three year period was proposed for licensees of stations facing reclassification to file for modification to meet the minimum requirements for their class. However, the Commission now believes that three years may be unnecessarily long and that a two year period is sufficient to allow for these filings. Accordingly, the Commission is establishing a date two years from the effective date of this order by which parties subject to reclassification must apply for at least the minimum facilities for their current class as set forth in 47 CFR 73.211 as amended, or be reclassified, with the new class to be determined in accordance with 47 CFR 73.210 and 47 CFR 73.211. The Commission will issue a Public Notice listing these parties based on their status on the effective date of this order.

16. In processing applications from parties seeking to avoid reclassification pursuant to this order, the Commission believes that the public interest will be best served if the following procedures are used. Specifically, for each application filed prior to the deadline and not reached for processing until after the deadline, the Commission will afford the applicant one opportunity to correct all deficiencies in the application. Upon finding a deficiency in a timely filed application, the staff on its own motion will waive the "hard look" FM processing rules, (*Report and Order* in MM Docket 84-750, 50 FR 19936, May 13, 1985) and notify the applicant of the deficiency, rather than returning the application. The applicant will then have 30 days within which to correct the noted deficiency and any other deficiencies in the application. If after the 30 day period the application still contains one or more deficiencies, it will be returned and the allotment reclassified. Thereafter, the allotment could be returned to its prior classification only through filing and subsequent grant of a petition for rulemaking to amend the Table of FM Allotments (47 CFR 73.202).

17. For purposes of compliance with the provisions of the Canada-United States FM Broadcast Agreement (and Working Arrangement), Class C3 allotments and assignments within 320 kilometers of the border will be considered to be Class B1. Similarly, for the purposes of compliance with the provisions of the Mexico-United States FM Broadcasting Agreement, Class C3 allotments and assignments within 320 kilometers of the border will be considered to be Class B. This procedure is necessary until agreements incorporating the new C3 station class can be negotiated with these countries.

18. The Commission's Mass Media Bureau has identified approximately 150 existing Class A stations that apparently can be upgraded to Class C3 at their current locations and on their currently assigned channels, without precluding any other Class A to Class C3 upgrades. Rather than to require individual petitions for rulemaking from licensees and permittees of these stations who desire to upgrade their stations to Class C3, the Bureau intends to issue an omnibus notice of proposed rulemaking proposing the upgrade of these allotments. This omnibus proceeding will not preclude any other parties from filing timely petitions for rulemaking to amend the Table of FM Allotments in accordance with our existing procedures. This approach is intended to spare these licensees and permittees some effort and expense and will also conserve FCC staff resources.

19. The Commission believes that the potential public benefit of the new intermediate class of FM stations (Class C3) warrants its incorporation into the existing regulatory structure. Appropriate technical criteria that will enable the new station class to provide opportunities for significantly expanded FM service as well as some new service, while fully protecting all existing service. The Commission is also continuing its "heavy burden" policy to ensure that the upgraded service resulting from the creation of Class C3 does not unduly restrict non-commercial educational radio stations operating in the vicinity of Channel 6 TV stations. Finally, the Commission is providing for reclassification of stations operating with less than the expected minimum facilities for their class. These actions will contribute to the Commission's policy goal of ensuring that the FM broadcast spectrum is effectively utilized.

Final Regulatory Flexibility Analysis

I. Need and Purpose of this Action

The Commission is adding an additional station class to its existing FM broadcast station classification system. The principal purpose of this action is to provide additional opportunities for improvement of the facilities of existing Class A FM broadcast stations. The need for such improvement was outlined in the *Notice* and confirmed by the majority of the commenting parties. An additional purpose of this action is to provide additional opportunities for new service in areas where Class A operation is economically unfeasible and Class C2 operation is technically unfeasible.

II. Summary of Issues Raised by the Public Comments in Response to the Initial Regulatory Flexibility Analysis

No commenters addressed the Initial Regulatory Flexibility Analysis.

III. Significant Alternatives Considered and Rejected

There are no alternatives to the action herein that would accomplish the stated purpose. Another proposal in the *Notice*, to increase the maximum transmitting power for Class A stations from 3000 to 6000 Watts, remains under consideration at this time. Final action on that proposal will be taken in a future order. Although also intended to provide for improvement of Class A FM station facilities, that proposal is being considered as an addition, rather than an alternative, to the action taken herein.

20. Accordingly, *It is ordered* That pursuant to the authority contained in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 CFR Part 73 is *amended* as set forth below. *It is further ordered* That authority is delegated to the Chief, Mass Media Bureau to issue a Public Notice listing the parties subject to reclassification pursuant to this order, and to initially waive 47 CFR 73.3566 (as discussed *supra*, in connection with the "hard look" processing procedures) for applications submitted by these parties.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

List of Subjects

47 CFR Part 1

Procedures, Table of FM Allotments.

47 CFR Part 73

Radio broadcasting, FM Broadcast stations, Class C3.

For the reasons set forth in the preamble, 47 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 1.420 is amended by revising the Note following paragraph (h) to read as follows:

§ 1.420 Additional procedures in proceedings for amendment of the FM, TV or Air-Ground Table of Allotments.

* * * * *

(h) * * *

Note: Licensees and permittees operating Class A FM stations who seek to upgrade their facilities to Class B1, B, C3, C2, C1, or C on Channel 221, and whose proposed 1 mV/m signal contours would overlap the Grade B contour of a television station operating on Channel 6 must meet a particularly heavy burden by demonstrating that grants of their upgrade requests are in the public interest. In this regard, the Commission will examine the record in rule making proceedings to determine the availability of existing and potential non-commercial education service.

For the reasons set forth in the preamble, 47 CFR Part 73 is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR 73.207 is amended by revising paragraph (a), the introductory text to paragraph (b) and the text of paragraphs (b)(2), (b)(3), and (c), as follows:

§ 73.207 Minimum distance separation between stations.

(a) Except for assignments made pursuant to §§ 73.213 or 73.215, FM allotments and assignments must be separated from other allotments and assignments on the same channel (co-channel) and five pairs of adjacent channels by not less than the minimum distances specified in paragraphs (b) and (c) of this section. The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments unless transmitter sites meet the minimum distance separation requirements of this section, or such applications conform to the requirements of §§ 73.213 or 73.215. However, applications to modify the facilities of stations with short-spaced antenna locations authorized pursuant to prior waivers of the distance separation requirements may be accepted, provided that such applications propose to maintain or improve that particular spacing deficiency. Class D (secondary) assignments are subject only to the distance separation requirements contained in paragraph (b)(3) of this section. (*See* § 73.512 for rules governing the channel and location of Class D (secondary) assignments.)

(b) The distances listed in Tables A, B, and C apply to allotments and assignments on the same channel and each of five pairs of adjacent channels. The five pairs of adjacent channels are the first (200 kHz above and 200 kHz below the channel under consideration), the second (400 kHz above and below), the third (600 kHz above and below), the fifty-third (10.6 MHz above and below), and the fifty-fourth (10.8 MHz above and below). The distances in the Tables apply regardless of whether the proposed station class appears first or second in the "Relation" column of the table.

* * * * *

(2) Under the Canada-United States FM Broadcasting Agreement, domestic U.S. allotments and assignments within 320 kilometers (199 miles) of the common border must be separated from Canadian allotments and assignments by not less than the distances given in Table B, which follows. When applying Table B, U.S. Class C2 allotments and assignments are considered to be Class B; also, U.S. Class C3 allotments and assignments are considered to be Class B1.

(3) Under the Mexico-United States FM Broadcasting Agreement, domestic U.S. allotments and assignments within 320 kilometers (199 miles) of the common border must be separated from Mexican allotments and assignments by not less than the distances given in Table C, which follows. When applying Table C, U.S. Class C2, C3 and B1 allotments and assignments are considered to be Class B; U.S. Class C1 allotments and assignments are considered to be Class C.

* * * * *

(c) The distances listed below apply only to allotments and assignments on Channel 253 (98.5 MHz). The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments where the following minimum distances (between transmitter sites, in kilometers) from any TV Channel 6 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM TV CHANNEL 6 (82–88 MHz)

FM Class	TV Zone I	TV Zones II & III
A	16	20
B1	19	23
B	22	26
C3	19	23
C2	22	26
C1	29	33
C	36	41

3. 47 CFR 73.207 is further amended by revising the introductory text in paragraph (b)(1); by adding, in TABLE A in paragraph (b)(1), a new row for relation "A to C3" to be inserted after the existing row for relation "A to B", a new row for relation "B1 to C3" to be inserted after the existing row for relation "B1 to B", a new row for relation "B to C3" to be inserted after the existing row for relation "B to B", and four new rows, for relations "C3 to C3", "C3 to C2", "C3 to C1" and "C3 to C", to be inserted, in that order, after the existing row for relation "B to C", as follows:

§ 73.207 Minimum distance separation between stations.

* * * * *

(b) * * *

(1) Domestic allotments and assignments must be separated from each other by not less than the distances in Table A which follows:

TABLE A—MINIMUM DISTANCE SEPARATION REQUIREMENTS IN KILOMETERS (MILES)

Regulation	Co-channel	200 kHz	400/600 kHz	10.6/10.8 MHz
* * * * * * *				
A to C3	138 (86)	84 (52)	42 (26)	12 (8)
* * * * * * *				
B1 to C3	175 (109)	114 (71)	50 (31)	14 (9)
* * * * * * *				
B to C3	211 (131)	145 (90)	71 (44)	17 (11)
* * * * * * *				
C3 to C3	153 (95)	99 (62)	43 (27)	14 (9)
C3 to C2	177 (110)	117 (73)	56 (35)	17 (11)
C3 to C1	211 (131)	144 (90)	76 (47)	24 (15)
C3 to C	237 (147)	176 (109)	96 (60)	31 (19)
* * * * * * *				

4. 47 CFR 73.210 is amended by revising paragraph (a) republishing the introductory text of paragraph (b), and revising paragraphs (b) (1), (2), and (3) to read as follows:

§ 73.210 Station classes.

(a) The rules applicable to a particular station, including minimum and maximum facilities requirements, are determined by its class. Possible class designations depend upon the zone in which the station's transmitter is located, or proposed to be located. The zones are defined in § 73.205. Allotted station classes are indicated in the Table of Allotments, § 73.202. Class A, B1 and B stations may be authorized in Zones I and I–A, Class A, C3, C2, C1, and C stations may be authorized in Zone II.

(b) The power and antenna height requirements for each class are set forth in § 73.211. If a station has an ERP and an antenna HAAT such that it cannot be classified using the maximum limits and minimum requirements in § 73.211, its class shall be determined using the following procedure:

(1) Determine the reference distance of the station using the procedure in paragraph (b)(1)(i) of § 73.211. If this distance is less than or equal to 24 km, the station is Class A; otherwise,

(2) For a station in Zone I or Zone I–A, except for Puerto Rico and the Virgin Islands:

(i) If this distance is greater than 24 km and less than or equal to 39 km, the station is Class B1.

(ii) If this distance is greater than 39 km and less than or equal to 52 km, the station is Class B.

(3) For a station in Zone II:

(i) If this distance is greater than 24 km and less than or equal to 39 km, the station is Class C3.

(ii) If this distance is greater than 39 km and less than or equal to 52 km, the station is Class C2.

(iii) If this distance is greater than 52 km and less than or equal to 72 km, the station is Class C1.

(iv) If this distance is greater than 72 km and less than or equal to 92 km, the station is Class C.

* * * * *

5. 47 CFR 73.211 is amended by revising paragraphs (a)(1), (a)(2), the table in the introductory text of paragraph (b)(1) (the introductory text of paragraph (b)(1) is republished), and revising paragraph (b)(3), to read as follows:

§ 73.211 Power and antenna height requirements.

(a) *Minimum requirements.* (1) Except as provided in paragraphs (a)(3) and (b)(2) of this section, FM stations must operate with a minimum effective radiated power (ERP) as follows:

(i) The minimum ERP for Class A stations is 0.1 kW.

(ii) The ERP for Class B1 stations must exceed 3 kW.

(iii) The ERP for Class B stations must exceed 25 kW.

(iv) The ERP for Class C3 stations must exceed 3 kW.

(v) The ERP for Class C2 stations must exceed 25 kW.

(vi) The ERP for Class C1 stations must exceed 50 kW.

(vii) The minimum ERP for Class C stations is 100 kW.

(2) Class C stations must have an antenna height above average terrain (HAAT) of at least 300 meters (984 feet). No minimum HAAT is specified for Classes A, B1, B, C3, C2, or C1 stations.

* * * * *

(b) *Maximum limits.* (1) Except for stations located in Puerto Rico or the Virgin Islands, the maximum ERP in any direction, reference HAAT, and distance to the class contour for each FM station class are listed below:

Station class	Maximum ERP	Reference HAAT in meters (ft)	Class contour distance in kilometers
A	3kW (4.8 dBk)	100 (328)	24
B1	25kW (14.0 dBk)	100 (328)	39
B	50kW (17.0 dBk)	150 (492)	52
C3	25kW (14.0 dBk)	100 (328)	39
C2	50kW (17.0 dBk)	150 (492)	52
C1	100kW (20.0 dBk)	299 (981)	72
C	100kW (20.0 dBk)	600 (1968)	92

* * * * *

(3) For stations located in Puerto Rico or the Virgin Islands, the maximum ERP in any direction, reference HAAT, and distance to the class contour for each FM station class are listed below:

Station class	Maximum ERP	Reference HAAT in meters (ft)	Class contour distance in kilometers
A	3kW (4.8 dBk)	335 (1100)	42
B1	25kW (14.0 dBk)	150 (492)	46
B	50kW (17.0 dBk)	472 (1549)	78

* * * * *

6. 47 CFR 73.506 is amended by revising paragraph (a)(3) to read as follows:

§ 73.506 Classes of noncommercial educational FM stations and channels.

(a) * * *

(3) Noncommercial educational FM (NCE–FM) stations with more than 10 watts transmitter power output are classified as Class A, B1, B C3, C2, C1, or C depending on the station's effective radiated power and antenna height above average terrain, and on the zone

in which the station's transmitter is located, on the same basis as set forth in §§ 73.210 and 73.211 for commercial stations.

* * * * *

7. 47 CFR 73.610 is amended by revising paragraph (f) to read as follows:

§ 73.610 Minimum distance separations between stations.

* * * * *

(f) The distances listed below apply only to allotments and assignments on Channel 6 (82–88 MHz). The Commission will not accept petitions to amend the Table of Allotments, applications for new stations, or applications to change the channel or location of existing assignments where the following minimum distances (between transmitter sites, in kilometers) for any FM Channel 253 allotment or assignment are not met:

MINIMUM DISTANCE SEPARATION FROM FM CHANNEL 253 (98.5 MHz)

Fm Class	TV Zone I	TV Zones II & III
A	16	20
B1	19	23
B	22	26
C3	19	23
C2	22	26
C1	29	33
C	36	41

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INTERSTATE COMMERCE COMMISSION

49 CFR Part 1001

[Ex Parte No. 55 (Sub-66)]

Freedom of Information Act; Predisclosure Notification Procedures for Confidential Commercial Information

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission adopts a final rule implementing Executive Order No. 12600, issued on June 23, 1987, which requires the Commission to revise its Freedom of Information Act regulations by promulgating predisclosure notification procedures for confidential commercial information.

EFFECTIVE DATE: The rule is effective on May 24, 1989.

FOR FURTHER INFORMATION CONTACT: S. Arnold Smith, (202) 275–7076 (TDD for hearing impaired: (202) 275–1721).

SUPPLEMENTARY INFORMATION: On March 1, 1988, the Commission published for public comment in the **Federal Register** at 53 FR 6155 an interim rule revising its Freedom of Information (FOIA) regulations by promulgating predisclosure notification procedures for confidential commercial information, in accordance with Executive Order No. 12,600 (EO), issued on June 23, 1987.

Comments were received from the Association of American Railroads (AAR), The Reporters Committee for Freedom of the Press (Committee) and the Washington Legal Foundation (WLF). The Commission has carefully considered these submissions and has made several minor revisions to clarify and strengthen its rule.

First, AAR and WLF objected to the notice limitations contained in § 1001.5(c): Ten years for records submitted prior to January 1, 1988; six years for records submitted thereafter. The Commission recognizes that in some cases the necessity for confidentiality could remain for longer periods. Therefore, it has changed this provision so that notice will be provided to submitters whenever: (1) The Commission has reason to believe that information may be protected under Exemption 4; or (2) the information has been designated as confidential commercial information by the submitter (and regardless of submission date).

Second, WLF and the Committee disagreed with § 1001.5(d)(1) that would have permitted ten work days for a submitter to object to disclosure. The Committee noted that an additional ten work days might preclude the Commission from meeting the FOIA's overall ten day processing deadline. WLF, on the other hand, argued that a twenty day period for objections was more reasonable.

The Commission routinely processes FOIA requests, including those for proprietary data, within ten days as required by statute. In order, therefore, to make it clear that the Commission will continue to do so, even when the new predisclosure requirements are activated, the rule has been modified as follows:

(1) A caveat, "to the extent permitted by law," has been added to § 1001.5(b);

(2) Submitters shall have "a reasonable period of time," rather than a specified number of days, to provide disclosure objections under § 1001.5(d)(1); and

(3) The Commission's intent to disclose will be communicated to submitters "a reasonable number of days" prior to the disclosure date, under § 1001.5 (e)(3) and (g)(6), instead of the ten work days now provided.

Each of the aforesaid revisions comports with the EO.

This decision will not significantly affect either the quality of the human environment or energy conservation. This decision also will not have a significant impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 1001

Freedom of Information.

Decided: April 17, 1989.

By the Commission: Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

For the reasons set out in the preamble, Part 1001 of Title 49 of the Code of Federal Regulations is amended as follows:

PART 1001—INSPECTION OF RECORDS

1. The authority citation for Part 1001 is revised to read as follows:

Authority: 5 U.S.C. 552 and 49 U.S.C. 10301 and 10321.

2. Section 1001.5 is revised to read as follows:

§ 1001.5 Predisclosure notification procedures for confidential commercial information.

(a) *In general.* Confidential commercial information provided to the Commission shall not be disclosed pursuant to a Freedom of Information Act (FOIA) request except in accordance with this section. For such purposes, the following definitions apply:

(1) "Confidential commercial information" means records provided to the government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) "Submitter" means any person or entity who provides confidential commercial information to the government. The term "submitter" includes, but is not limited to, corporations, state governments, and foreign governments.

(b) *Notice to submitters.* The Commission, to the extent permitted by law, shall provide a submitter with prompt written notice of receipt of a FOIA request encompassing its submissions in accordance with paragraph (c) of this section, and except as provided in paragraph (g) of this

section. This notice shall either describe the exact nature of the information requested or provide copies of the records themselves.

(c) *When notice is required.* Notice shall be given to a submitter whenever:

(1) The Commission has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm; or

(2) The information has been designated, in good faith by the submitter, as confidential commercial information at the time of submission or a reasonable time thereafter.

Whenever possible, the submitter's claim of confidentiality shall be supported by a statement or certification by an officer or authorized representative of the company that the information in question is in fact confidential commercial information and has not been disclosed to the public.

(d) *Opportunity to object to disclosure.* (1) Through the notice described in paragraph (b) of this section, the Commission shall afford a submitter a reasonable period of time in which to provide it with a detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding the requested information.

(2) When notice is given to a submitter under this section, the Commission also shall notify the requester that it has been provided.

(e) *Notice of intent to disclose.* The Commission shall consider carefully submitter's objections and specific grounds for nondisclosure prior to its determination whether or not to disclose the requested information. Whenever the Commission decides to disclose the information over a submitter's objection, it shall provide the submitter with written notice containing the following:

(1) A description or copy of the information to be disclosed;

(2) The reasons why the submitter's disclosure objections were not sustained; and

(3) A specific disclosure date, which shall be a reasonable number of days after the notice of intent to disclose has been mailed to the submitter.

At the same time that notice of intent to disclose is given to a submitter, the Commission shall notify the requester accordingly.

(f) *Notice of lawsuit.* (1) Whenever a FOIA requester brings legal action seeking to compel disclosure of confidential commercial information, the Commission shall promptly notify the submitter.

(2) Whenever a submitter brings legal action seeking to prevent disclosure of confidential commercial information, the Commission shall promptly notify the requester.

(g) *Exception to notice requirement.* The notice rquirements of this section shall not apply if:

(1) The Commission determines that the information requested should not be disclosed; or

(2) The information already has been published or otherwise officially made available to the public; or

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) Disclosure is required by a Commission rule that:

(i) was adopted pursuant to notice and public comment;

(ii) specifies narrow classes or records submitted to the Commission that are to be released; and

(iii) provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm; or

(5) The information requested is not designated by the submitter as exempt from disclosure, when the submitter had an opportunity to do so at the time of submission or within a reasonable time thereafter, unless the Commission has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm; or

(6) The designation made by the submitter in accordance with these regulations appears obviously frivolous; in such case, the Commission must provide the submitter only with written notice of any administrative disclosure determination within a reasonable number of days prior to the specified disclosure date.

[FR Doc. 89-9696 Filed 4-21-89; 8:45 am]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 71143-9044]

Foreign Fishing, Health and Safety Standards

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: This final rule establishes minimum health and safety standards aboard foreign fishing vessels to which U.S. observers are deployed. The Secretary of Commerce (Secretary) is required by the Magnuson Fishery Conservation and Management Act (Magnuson Act), to prescribe, by regulation, minimum health and safety standards that must be maintained aboard each foreign fishing vessel to which a U.S. observer is deployed. These health and safety standards apply to the facilities for the quartering of observers and the carrying out of observer functions.

EFFECTIVE DATE: July 24, 1989.

FOR FURTHER INFORMATION CONTACT: Special Agent Gary A. Wood, NOAA, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, 301-427-2300.

SUPPLEMENTARY INFORMATION: Section 201(i) of the Magnuson Act requires that a U.S. observer be stationed aboard each foreign fishing vessel (FFV) while it is engaged in fishing in the exclusive economic zone (EEZ). Section 201(i)(1)(B) requires that the Secretary establish, by regulation, minimum health and safety standards with respect to the facilities provided aboard the vessel for the quartering of observers and carrying out of observer functions.

In accordance with section 201(i)(1)(B), minimum health and safety standards were published as a proposed rule on July 25, 1988, at 53 FR 27887. Comments on the proposed rule were received through September 8, 1988. NOAA received two written comments and one oral comment on the proposed rule. The written comments of one party supported the adoption of the proposed rule as published. The written comments of a second party requested modification of three of the proposed standards and recommended alternative approaches to the proposed rule. The oral comment recommended clarification of the rule as it applied to emergency position indicating radio beacons (EPIRBs). A summary of the comments and recommendations, along with NOAA's responses, follows:

1. Comment: The proposed rule requires ring life buoys to be 30 inches in diameter and positioned at intervals of 25 feet along the length of the vessel. With respect to the size of the life buoy, the commentator referred to an international standard for such devices establishing an outer diameter of not more than 800 mm (approximately 31.2 inches), and an inner diameter of at least 400 mm (approximately 15.6

inches). The commentator requested that NOAA amend the proposed rule to reflect this standard.

The commentator also noted that the requirement to position ring life buoys at 25-foot intervals required clarification since it was unclear if the interval applied to both sides of the vessel or to the length overall. In any case, the commentator opined that the standard required a greater number of ring life buoys than was necessary and that four buoys were adequate if two were positioned on the bridge and the other two were positioned at strategic places elsewhere on the vessel. The commentator further stated that the number of ring life buoys required by the proposed rule could actually increase risk by increasing the risk of entanglement during fishing or transfer operations.

Response: The proposed rule has been rewritten to accommodate the size variation of ring life buoys noted by the commentator. The final rule requires that ring life buoys have an outside diameter of not more than 32 inches nor less than 30 inches.

The wording with respect to the spacing of ring life buoys has been clarified to require one buoy per 25 feet of vessel length, placed so that they are readily accessible and not so as to pose a potential risk of entanglement.

NOAA does not believe the number of ring life buoys required by this rule is excessive. A similar number is required aboard NOAA vessels. The International Convention for Safety of Life at Sea (SOLAS) sets a standard of at least eight ring life buoys for cargo vessels and approximates the standard of one per 25 feet of vessel length for passenger-carrying vessels. Because observers frequently work on weather decks and often during marginal weather conditions, the standard of one ring life buoy per 25 feet of vessel length is not regarded as excessive.

2. Comment: The proposed rule requires that FFVs carry at least one EPIRB, stowed in a location so as to make it readily available in the event of an emergency. One commentator noted that vessels now operating under the SOLAS will not be required to carry EPIRBs until July 1, 1991. The commentator further stated that some FFVs are required by the laws of the flag state nation to have on board automatic transmitters for distress signals or radio equipment installed on each life boat. The commentator opined that the safety of the crew and observers was adequately protected by existing equipment and implied that the requirement to carry an EPIRB was unnecessary.

A second commentator, in an oral statement, suggested that the proposed rule be amended to require EPIRBs be of the sort approved by the U.S. Coast Guard for offshore commercial use.

Response: NOAA is aware that some FFVs may have on board emergency transmitting and/or radio equipment. However, such equipment generally does not have the same capability or range of transmission as an EPIRB. Unlike other types of emergency transmitters commonly encountered on FFVs, EPIRBs transmit a signal via satellite on a continuously monitored frequency, virtually insuring that any distress signal will be intercepted. Further, if a vessel sinks, EPIRBs, if properly installed, will break free of the vessel, float, and continue to transmit a signal that can be used to locate survivors. In NOAA's judgment, they offer a significant safety advantage over other types of emergency transmitting equipment. The proposed rule has been amended to require installation of EPIRBs approved by the U.S. Coast Guard for offshore commercial use.

3. Comment: The rule requires FFVs to have on board at least six hand-held, rocket-propelled, parachute, red-flare distress signals, and three orange-smoke distress signals stowed in the pilothouse or navigation bridge in portable, watertight containers. The commentator opined that the number of these signals was in excess of the number needed to insure safety and suggested that four red-flare parachute signals and two orange-smoke signals were adequate for trawl vessels and that two red-flare parachute signals and two orange-smoke signals were adequate for longline vessels.

Response: NOAA disagrees with the opinion of the commentator. The rule with respect to the number and kind of distress signals was based on existing regulations that apply to NOAA vessels and is supported by NOAA's experience in vessel operations. The rule has been finalized as proposed.

4. Comment: The commentator concluded by opining that it was not necessary for NOAA to propose more stringent standards than currently exist, and recommended that the proposed rule be revised "taking into account current international standards." As an alternative, the commentator, who represented Japan Fisheries Association, recommended "that Japanese fishing vessels be exempt from application of the proposed standards if the Japanese vessel has on board a current, valid certificate which certifies compliance in accordance with Japanese law." The commentator based this recommendation on the assertion that Japanese vessels have had an excellent safety record while operating in the EEZ, and that Japanese domestic law affecting health and safety features aboard fishing vessels is sufficient to adequately protect observer safety. The commentator requested that NOAA justify its more stringent standards and provide an opportunity for comment on that justification.

Response: Section 201(i) of the Magnuson Act requires the Secretary to "prescribe minimum health and safety standards that shall be maintained aboard each foreign fishing vessel with regard to the facilities provided for the quartering of, and the carrying out of observer functions by, United States observers." In developing the proposed regulations, NOAA considered existing international standards as well as the health and safety conditions that actually exist aboard FFVs fishing in the EEZ. Based on almost 12 years of experience in operating the U.S. foreign fishing vessel observer program under the provisions of the Magnuson Act, and its experience in operating research vessels, NOAA concluded that existing international standards applicable to fishing vessels were not sufficient to protect the health and safety of observers.

With respect to Japanese vessels, NOAA records indicate that, among other incidents potentially affecting the health and safety of observers, two Japanese fishing vessels collided in the EEZ on February 14, 1984. One of the vessels had on board U.S. observers. The collision resulted in the greatest loss of life recorded during a single incident involving FFVs fishing in the EEZ.

NOAA recognizes that other nations may have health and safety standards that are adequate to insure observers health and safety, although our experience indicates that this is not the case for all classes of FFVs, regardless of flag state, that might wish to fish in the United States EEZ. In any case, it is impractical for NOAA to review applicable foreign laws and determine adequacy with respect to section 201(i) of the Magnuson Act. Further, to be effective, NOAA would have to maintain a watch on foreign law to insure that any amendments would not adversely affect the health and safety of observers. NOAA does not have the resources for such an effort.

Finally, NOAA regards the health and safety standards as proposed as genuinely minimal in order to protect observers. The requirements of this rule do not place an economic burden on any vessel owner or operators, nor an operational burden on crews. NOAA

believes that its experience and the law support its decision to publish standards that exceed, in some cases, existing international standards. NOAA has provided adequate opportunity for public comment on its health and safety standards. The law does not require, nor is it in the best interest of observer health and safety, to extend further comment on this rule.

Changes to the Proposed Rule

In addition to the changes discussed above, by addition of new §611.7(a)(25), the rule also makes it unlawful for any person engaged in fishing activity aboard an FFV while in the EEZ to fail to comply with the minimum health and safety standards.

Classification

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02–10.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under E. O. 12291, because it will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices to consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because it applies only to the owners or operators of FFVs. As a result, a regulatory flexibility analysis was not prepared.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations.

Dated: April 18, 1989.

James W. Brennan,

Assistant Administrator For Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR Part 611 is amended as follows:

PART 611—[AMENDED]

1. The authority citation for Part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. § 611.7 is amended by redesignating paragraphs (a) (25) through (27) as paragraphs (a) (26) through (28), and adding a new paragraph (a) (25), to read as follows:

§ 611.7 Prohibitions.

(a) * * *

(25) Fail to maintain health and safety standards set forth in § 611.8(d);

* * * * *

3. Section 611.8 is amended by redesignating paragraphs (d) through (j) as paragraphs (e) through (k), and by adding a new paragraph (d) to read as follows:

§ 611.8 Observers.

* * * * *

(d) *Health and safety standards.* All foreign fishing vessels to which an observer is deployed must maintain, at all times that the vessel is in the EEZ of the United States, the following:

(1) At least one working radar;

(2) Functioning navigation lights as required by international law;

(3) A watch on the bridge by appropriately trained and experienced personnel while the vessel is underway;

(4) Lifeboats and/or inflatable life rafts with a total carrying capacity equal to or greater than the number of people aboard the vessel. Lifeboats and inflatable life rafts must be maintained in good working order and be readily available;

(5) Life jackets equal or greater in number to the total number of persons aboard the vessel. Life jackets must be stowed in readily accessible and plainly marked positions throughout the vessel, and maintained in a state of good repair;

(6) At least one ring life buoy for each 25 feet of vessel length, equipped with automatic water lights. Ring life buoys must have an outside diameter of not more than 32 inches nor less than 30 inches, and must be maintained in a state of good repair. Ring life buoys must be readily available but not positioned so they pose a threat of entanglement in work areas. They must be secured in such a way that they can be easily cast loose in the event of an emergency;

(7) At least one VHF-FM radio with a functioning channel 16 (156.8 MH_Z), International Distress, Safety and Calling Frequency, and one functioning AM radio (SSB-Single Side Band) capable of operating at 2182 KH_Z. Radios will be maintained in a radio room, chartroom or other suitable location;

(8) At least one Emergency Position Indicating Radio Beacon (EPIRB), approved by the U.S. Coast Guard for off-shore commercial use, stowed in a location so as to make it readily available in the event of an emergency;

(9) At least six hand-held, rocket-propelled, parachute, red-flare distress signals, and three orange-smoke distress signals stowed in the pilothouse or navigation bridge in portable watertight containers;

(10) All lights, shapes, whistles, foghorns, fog bells and gongs required by and maintained in accordance with the International Regulations for Preventing Collisions at Sea; and

(11) Clean and sanitary conditions in all living spaces, food service and preparation areas and work spaces aboard the vessel.

* * * * *

4. In § 611.8, newly redesignated paragraph (f) is amended by changing the reference "(h)" to read "(i)"; newly redesignated paragraph (h)(1) is amended by changing the reference "(g)(4)" to read "(h)(4)"; newly redesignated paragraph (h)(2)(ii) is amended by changing the reference "(i)(2)" to read "(j)(2)" and newly redesignated paragraph (k)(1)(i) is amended by changing the reference "(g)(2)" to read "(h)(2)".

[FR Doc. 89–9779 Filed 4–21–89; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 77
Monday, April 24, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 658

[FHWA Docket No. 83-14]

RIN: 2125-AC10

Truck Size and Weight; National Network, South Carolina

AGENCY: Federal Highway Administration (FHWA, DOT).

ACTION: Termination of proposed rulemaking.

SUMMARY: The FHWA hereby terminates proposed rulemaking to delete a route from the National Network for trucks in Columbia, South Carolina.

EFFECTIVE DATE: This termination is effective on April 24, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Richard A. Torbik, Office of Planning, (202) 366-0233, Mr. Philip W. Blow, Office of Motor Carrier Information Management and Analysis, (202) 366-4036, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 366-1356, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION:

Background

The FHWA published a notice of proposed rulemaking (NPRM) on May 25, 1988 (53 FR 18859) requesting comments on a proposal to delete US 76 between SC 277 and I-126 from the National Network for trucks in Columbia, South Carolina. The subject portion of US 76 (Elmwood Avenue) is a six-lane divided urban thoroughfare that terminates at a T-intersection with SC 277 (Bull Street). Prior reviews indicated that lane encroachment safety problems may be involved in the left-turn-only lanes from US 76 to SC 277.

Comments

Two commenters responded to the docket, the South Carolina Department of Highways and Public Transportation and the South Carolina Trucking Association, Inc. Both opposed the proposed deletion, citing acceptable standards for larger tucks and the need for connectivity and access to terminals in the Columbia area. At the request of the FHWA for reanalysis, the State pointed out that all intersections have very low accident rates, there is at least one 12-foot wide through lane in each direction, and opening of the Southeast Beltway extension of I-77 will reduce use of the US 76/SC 277 intersection.

Termination

In view of the acceptable operation and desirable continuity afforded by the network segment, the FHWA hereby terminates the rulemaking action in Docket 83-14 to delete the segment in South Carolina.

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant rulemaking action under the regulatory policies and procedures of the Department of Transportation. Due to the nature of this termination action, a regulatory evaluation is not required since no economic impact is expected. Under the criteria of the Regulatory Flexibility Act, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the notice of termination does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 658

Grant programs—transportation, Highways and roads, Motor Carrier—size and weight.

Issued on April 13, 1989.

R.D. Morgan,
Executive Director.

[FR Doc. 89-9701 Filed 4-21-89; 8:45 am]
BILLING CODE 4910-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3554-9]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing rulemaking on revisions to the Illinois State Implementation Plan (SIP) for Ozone and Carbon Monoxide (CO). The revisions pertain to the proposed approval of (1) the State's CO plan and (2) the State's vehicle inspection and maintenance (I/M) program and transportation control measures, which are part of both the State's Ozone and CO Plans. USEPA's action is based upon a revision request which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act).

DATE: Comments on this revision and on the proposed USEPA action must be received by May 24, 1989.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Randolph O. Cano, at (312) 886-6036, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706

Comments on this proposed rule should be addressed to:

Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6036.

SUPPLEMENTARY INFORMATION: Under section 107 of the Act, USEPA has designated certain areas in each State as not attaining the National Ambient Air Quality Standards (NAAQS) for particulate matter (total suspended particulates—TSP), sulfur dioxide (SO_2), carbon monoxide (CO), ozone, and nitrogen dioxide (NO_2). For Illinois, see 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). For these areas, Part D of the Act requires that the State revise its SIP to provide for attaining the primary NAAQS by December 31, 1982, (in certain cases, by December 31, 1987, for ozone and/or CO). These SIP revisions must also provide for attaining the secondary NAAQS as soon as practicable.

The Clean Air Act Amendments of 1977 added a new Part D to Title I of the Act. Under Part D, the States had to revise their SIPs for all nonattainment areas and submit the revisions to USEPA by January 1, 1979 (Sections 171–178 of the Act; section 129(c) (uncodified) of Pub. L. 95–95). The revised plan had to provide for attainment in nonattainment areas by December 31, 1982, unless the State demonstrated that it could not attain either the ozone or CO standard by that date, despite the implementation of all reasonably available control technology (RACT) (Sections 172(a)(1), 172(a) of the Act).

If USEPA approved this demonstration, the attainment date for ozone or CO could be extended up to December 31, 1987, and the State could defer certain of the Part D planning requirements but would have to meet additional, more stringent planning requirements at a later date. States receiving such extensions were to submit a second SIP revision that provided for attainment by December 31, 1987, and complied with all of the Part D requirements (Section 172(c)).

These second SIP revisions had to be submitted by July 1, 1982 (Section 129(c) (uncodified), Pub. L. 95–95). On January 22, 1981 (48 FR 7182), USEPA published final criteria for reviewing these revisions. These criteria supplemented the "General Preamble" for SIP revisions for nonattainment areas, which was published on April 4, 1979 (44 FR 20372).[1] Other requirements for plan preparation and USEPA policy guidance were contained in a technical support memorandum dated November 15, 1982. These documents are available for review at the Region V office, listed above.

In April 1979, the State of Illinois submitted an initial SIP revision for CO and ozone in the Illinois portion of the Chicago metropolitan area, and for ozone in the Illinois portion of the St. Louis metropolitan area. In its submittal, the State requested that USEPA extend the attainment date for meeting the Ozone and CO standards in these areas until December 31, 1987. USEPA approved this request and the initial SIP on February 21, 1980 (45 FR 11572).

On February 3, 1983 (48 FR 5110), USEPA proposed disapproval of and solicited public comment on the 1982 Illinois SIP revision for CO and Ozone which had been submitted by IEPA in draft form on June 30, 1982. On December 3, 1982, the State submitted responses to comments included in USEPA's November 15, 1982, Technical Support Document. On May 4, 1983, November 4, 1983, and January 20, 1984, the State submitted substantial revisions to the draft SIP.

On August 15, 1984 (49 FR 32601), USEPA again proposed rulemaking on the Illinois Ozone and CO SIP taking into account the submittals sent by the State designed to address the deficiencies identified in the February 3, 1983 (48 FR 5110), proposed disapproval of the State's plan. In the August 15, 1984, rulemaking, USEPA proposed to approve the State's Ozone and CO plans, except for vehicle inspection and maintenance (I/M). Today's proposed rulemaking concerns: (1) the transportation control measures, the Federal Motor Vehicle Control Program (FMVCP) and the I/M program, which are part of both the ozone and CO plans; and (2) the CO attainment demonstrations for downtown Chicago and the freeway corridors. Remaining portions of the ozone SIP are the subject of separate **Federal Register** notices, including one published October 17, 1988 (53 FR 40415), which disapproved the Chicago portion of the ozone SIP. It should also be noted that on May 26, 1988, USEPA notified the Governor of Illinois that the ozone plan was substantially inadequate to attain and maintain the standard in the Chicago area and called for a revision of the plan.

On August 15, 1984 (49 FR 32601), USEPA proposed to approve the State's attainment demonstrations for CO, including the FMVCP and the transportation control measures in the Chicago area. USEPA has not revised its analysis of these plan elements since the proposed rulemaking at that time.

To avoid confusion over changes in other portions of the plan since the August 15, 1984, proposed approval, USEPA will again present its analysis of the plan elements and again propose rulemaking on each.

Attaintment Demonstration for Carbon Monoxide (CO) in the Chicago Area

The Illinois CO SIP includes separate attainment demonstrations for downtown Chicago and for other nonattaintment areas in and near Chicago (i.e., the freeway corridors). Illinois has submitted two basic attainment demonstrations for downtown Chicago. The first demonstration was submitted June 30, 1982, and the second demonstration was submitted May 4, 1983. (Illinois also submitted responses to comments on the first demonstration on December 3, 1982.) In its May 4, 1983, submittal, Illinois states that this analysis reflects IEPA's current best estimate of the anticipated emission reductions from implementation of the FMVCP.

The May 4 analysis for CO in downtown Chicago relies on the rollback model. This analysis assumed that the violations monitored downtown were predominantly the result of motor vehicle emissions. Stationary source emissions were considered by means of a 0.2 parts per million (ppm) constant background concentration. The rollback analysis relied on emission factors derived for the MOBILE 2.5 emission factor model. Illinois also used 1982 air quality data in its analysis in the belief that the use of these data provide a more stringent test of whether attainment will be achieved by 1987, than do the 1979 to 1981 air quality data.

The rollback approach assumes that the nonbackground component of an observed concentration will decrease by the same percentage as emissions. Illinois provided rollback calculations based on a variety of vehicle operating conditions that might be applicable in the downtown area, as well as for two different ambient temperatures. In all cases, attainment was shown to occur by the end of 1987. USEPA made additional calculations based on slightly different assumptions of vehicle operating conditions. These calculations

[1] USEPA published four additional notices supplementing the general preamble on July 2, 1979 (44 FR 38583); August 28, 1979 (44 FR 50371); September 17, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67185).

support Illinois' conclusion that attainment will be achieved by the end of 1987. Rollback calculations for 1979, 1980, and 1981 support Illinois' sttement that 1982 air quality data are the most stringent data.

A final issue concerning the downtown attainment demonstration relates to I/M. Illinois' attainment demonstration for CO in downtown Chicago does not reflect the impact of an I/M program. However, consideration of an I/M program would lead to the projection of an earlier attainment date. Thus, Illinois' attainment demonstration may be considered adequate evidence that the CO standard will be achieved in downtown Chicago by the end of 1987. USEPA, therefore, proposes approval of this portion of the Illinois SIP.

The CO attainment demonstration for the freeway corridors was submitted by Illinois on June 30, 1982. This attainment demonstration was based on hot-spot modeling using the CALINE 3 model. On August 23, 1982, USEPA sent comments to Illinois on its June 30, 1982, submittal. The original February 3, 1983, proposed disapproval did not specifically address the approvability of the attainment demonstration for the freeway corridors.

Based on USEPA comments transmitted on August 23, 1982, the State submitted a corrected analysis on January 20, 1984. This analysis shows that attainment did not occur by 1982 at a few locations in the freeway corridors in the Chicago area. However, these locations were predicted to have 1982 concentrations only slightly above the standard, and it was predicted likely that based on reductions obtained from the FMVCP attainment would occur well before 1987 at all locations in the Chicago area freeway corridors. USEPA, therefore, proposes to approve this portion of the Illinois SIP.

Transportation Control Measures

The Transportation Control Plan (TCP) for Northeastern Illinois describes eight TCMs to be implemented to obtain the hydrocarbon (HC) and CO reduction goal. The TCP will implement the following Transportation Control Measures (TCMs): public transportion; ridesharing; traffic flow improvements; bicycle promotion; long-range transit; park and ride lots; alternative work schedules; and exclusive bus/car pool lanes.

The TCP for East St. Louis describes six TCMs to be implemented to provide the HC emission reduction target. The TCP will implement the following TCM package: traffic flow improvements; electric vehicles use; increase in ridesharing; increase in van pooling; 30 percent increase in transit ridership; and park and ride lots.

USEPA finds these TCMs adequate, and USEPA proposes approval of these TCMs.

Vehicle Inspection and Maintenance (I/M)

I. Introduction

The Act, as amended in 1977, requires the States that receive an attainment date extensions to submit revised Ozone/CO SIPs that include commitments to implement I/M program on an expeditious schedule, with implementation complete no later than December 31, 1982. The 1982 Ozone/CO SIP approval policy published on January 22, 1981 (46 FR 7182), discusses the 1982 Ozone/CO SIP approval requirements. Illinois requested and received the 5-year extension of the ozone/CO deadline. On August 3, 1983, USEPA proposed to disapprove the Ozone/CO portion of the SIP (48 FR 35315), because Illinois lacked an I/M program. In accordance with the Act, the USEPA initiated sanction proceedings against the State. On May 4, 1984, USEPA proposed Federal highway and air quality funding restrictions, and a construction moratorium, because the State failed to submit, or to make reasonable efforts to submit, a SIP which considers each element in Section 172 of the Act (See 49 FR 19039), including an I/M program.

Subsequently, State legislation was signed into law in September of 1984, creating the legal authority and funding mechanism for an I/M program to operate in Cook, and parts of Lake, DuPage, Madison, and St. Clair Counties. This legislation is entitled the "Vehicle Emission Inspection Law". It amended the Illinois Vehicle Code by the addition of "Chapter 13A, Emission Inspection". This piece of legislation established:

1. The geographic area subject to vehicle emissions inspection,

2. The general provisions of an inspection program,

3. The conditions for exemption from inspection program,

4. The program's financing mechanisms,

5. The program's enforcement mechanisms,

6. The responsibilities of the affected State government agencies for each aspect of the program,

7. The conditions for entry into contracts by the State, and

8. Deadlines for implementation for an I/M program in Illinois.

II. General Description of the Illinois I/M Program

The State of Illinois contracted with Systems Control, Inc., to develop and operate a centralized network of testing facilities, consisting of 15 facilities, with a total of 78 lanes in Cook County and portions of Lake and DuPage Counties (Chicago area) and 3 facilities with 6 lanes in Madision and St. Clair Counties (the St. Louis area). Vehicles are tested for hydrocarbon (HC), carbon monoxide (CO), and carbon dioxide (CO_2) emissions. Illinois' plan states that the 2500 RPM/Idle and Engine Restart 2500 RPM/Idle tests are to be used, depending on the model and year of the vehicle. In both tests, a probe is inserted into the vehicle tailpipe; and the exhaust is analyzed for emission at 2500 RPM and at idle. If the vehicle passes the test, an annual sticker is issued that indicates compliance with the law. If the vehicle fails to pass the test, the vehicle owner is required to make the necessary repairs and submit the vehicle for a retest. If the vehicle is unable to pass a retest, a waiver is available under certain conditions.

Enforcement of the program is accomplished through a vehicle inspection sticker system. Penalties for failure to secure a sticker include drivers' license and vehicle registration suspensions.

III. Evaluation of I/M Program Elements

USEPA's Evaluation of the State's I/M program is summarized below. USEPA's detailed evaluation of the State's program is contained in technical support documents dated June 6, 1986, February 18, 1987, and October 20, 1987. These documents are available from the Region V Office listed above.

USEPA policy, as stated in the January 22, 1981, **Federal Register** (46 FR 7182), requires the inclusion of any rules and regulations, and any other I/M elements that could affect the ability of the I/M program to achieve the minimum emission reduction requirements, in any revisions for areas with an attainment date extension.

The 1982 Ozone/CO SIP submittal must include the following:

1. Inspection test procedures,

2. Emission standards,

3. Inspection station licensing requirements,

4. Emission analyzer specification and maintenance calibration requirements,

5. Record keeping and record submittal requirements,

6. Quality control audit and surveillance procedures,

7. Procedures to ensure that non-complying vehicles are not operated on the public roads,

8. Any other official program rules, regulations, and procedures,

9. A public awareness plan, and

10. A mechanic training program if additional emission credits are being claimed for mechanic training.

Each of these SIP requirements are addressed in the Technical Support document for this rulemaking which is available from the Region V Office.

The following support documents of the SIP address these requirements:

1. The Illinois Vehicle Emission Inspection Law;

2. The set of regulations amending 35 Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution Control Chapter I: Pollution Control Board, Part 240 (henceforth referred to as the IPCB Rules);

3. The same set of regulations detailed immediately above, Chapter II: Environmental Protection Agency, Part 276 (referred to as IEPA Rules);

4. The IEPA/SOS Joint Memorandum-Technical Procedures for Enforcement (Draft, December 1985) (referred to as the Enforcement Memorandum);

5. The Memorandum of Understanding between the Illinois Secretary of State and the Illinois Environmental Protection Agency Concerning the Operation of a Vehicle Emission Inspection Program as Required by Public Act 83-1477 (referred to as the Memorandum of Understanding);

6. "Strategies Plan for the Air Team Public Information Effort", Office of Public Information, IEPA; and

7. Summary of I/M RACT Calculations for the Illinois Vehicle Inspection and Maintenance Program, IEPA Division of Air Pollution Control, August 1985 (referred to as I/M RACT Summary).

USEPA has carefully reviewed the State's submittal and determined that it satisfies USEPA's requirements for approval. USEPA, therefore, proposes to approve the State's I/M program as part of the Ozone and CO SIPs.

However, during the first year of the program not all subject vehicles received a test notification from the State and the seven month enforcement cycle, as specified by State procedures, was not met. While USEPA acknowledges that over the past few months significant enforcement activity has occurred, the State still has not met the seven month enforcement cycle. While timeliness improved during the second year, the State still has not met this crucial design parameter. As a result, many subject vehicles are in non-compliance with program requirements.

While USEPA is proposing to approve the enforcement portion of the I/M program, prior to USEPA making a final decision on approving the enforcement portion, the State must demonstrate that it has improved the timeliness to be within the design parameter and that all subject vehicles receive an annual test during the actual annual cycle.

If the State is not able to make this demonstration, then the enforcement program will not meet USEPA requirements for routine and expeditious enforcement or for preventing noncomplying vehicles from operating on the road and USEPA, therefore, will have to reconsider its position on the approvability of the enforcement portion of the I/M program.

At this time, USEPA also proposes to approve the Transportation Control Measures as part of the Ozone and CO SIPs. The State's CO attainment demonstration and the CO plan as a whole are also being proposed for approval.

Solicitation of Public Comment

Public comment is solicited on these proposed SIP revisions and on USEPA's proposed rulemaking action approving their incorporation into the Ozone and CO SIPs. Public comments received by the date indicated above will be considered in the development of USEPA's final rulemaking action.

USEPA has published several proposed rulemaking actions on the Illinois Ozone and CO SIPs, including February 3, 1983 (48 FR 5110), August 3, 1983 (48 FR 35315), May 4, 1984 (49 FR 19039), August 15, 1984 (49 FR 32601) and July 14, 1987 (52 FR 26424). These plans have been revised substantially since each rulemaking was published. As a result, USEPA believes that public comments submitted in response to these earlier proposed rulemaking actions are outdated. Consequently, USEPA does not intend to address public comments received in response to earlier proposed rulemaking actions in the development of its final rule.

Commentors who believe that all or a portion of the comments they submitted in response to earlier proposed rulemaking actions remain germaine to this action and should be answered, should resubmit their comments. The relevance of any resubmitted comment to this proposed rulemaking should be explained. USEPA will then reconsider any earlier comment in relation to the State's current Plan.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of the Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Ozone.

Authority: 42 U.S.C. 7401-7642.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 89-9770 Filed 4-21-89; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[AD-FRL-3559-1]

Standards of Performance for New Stationary Sources; Amendment to Method 7A for the Determination of Nitrogen Oxide Emissions from Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule and Notice of Public Hearing.

SUMMARY: The purpose of this proposed rule is to amend Method 7A of Appendix A by increasing the acid strength of the sample absorbing reagent. The currently-used reagent was implicated as the source of inaccuracy and imprecision that has been experienced with test results. This deficiency was confirmed through an Agency investigation. An advanced notice of proposed rulemaking was published on June 2, 1988 (53 FR 20139), to alert testers of this problem and recommended that the method not be used until further notice was given. A subsequent evaluation of the method has shown that the deficiency is corrected when the acid strength of the absorbing reagent is increased to correspond to that of Method 7. This change results in improved accuracy and precision for the method. The intended effect of this notice is to reinstate the method's use with the modified absorbing reagent.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed rule.

DATE: *Comments.* Comments must be received on or before July 10, 1989.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by May 15, 1989, a public

hearing will be held on June 8, 1989, beginning at 10:00 a.m. Persons interested in attending the hearing should call the contact mentioned under ADDRESSES to verify that a hearing will be held.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by May 15, 1989.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate if possible) to: Central Docket Section (LE–131), Attention: Docket Number A–88–21, U.S. Environmental Protection Agency, South Conference Center, Room 4, 401 M Street SW., Washington, DC 20460.

Public Hearing. If anyone contacts EPA requesting a public hearing, it will be held at EPA's Emission Measurement Laboratory, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Foston Curtis, Emission Measurement Branch (MD–19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–1063.

Docket. Docket No. A–88–21, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 3:30 p.m., Monday through Friday, at EPA's Central Docket Section, South Conference Center, Room 4, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Foston Curtis or Roger T. Shigehara, Emission Measurement Branch (MD–19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–1063.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard or make it more stringent. Rather, the rulemaking amends a test method to which the affected facilities are already subject.

II. Administrative Requirements

A. Public Hearing

A public hearing will be held, if requested, to discuss the proposed revisions in accordance with section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement with EPA, before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, DC (see **ADDRESSES** section of this preamble).

B. Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are to:

(1) Allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process, and

(2) serve as the record in case of judicial review (except for interagency review materials) [section 307(d)(7)(A)].

C. Office of Management and Budget Review

Executive Order 12291 Review. Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This rulemaking would not result in any of the adverse economic effects set forth in section 1 of the Order as grounds for finding a "major rule." It will not have an annual effect on the economy of $100 million or more, nor will it result in a major increase in costs or prices. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

D. Regulatory Flexibility Act Compliance

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this attached rule, if promulgated, will not have any economic impact on small entities because no additional costs will be incurred.

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Incorporation by reference, and Fossil-fuel fired steam generators.

Date: April 13, 1989.

Don R. Clay,

Acting Assistant Administrator for Air Radiation.

It is proposed that Method 7A, Appendix A of 40 CFR Part 60 be amended as follows:

PART 60—[AMENDED]

1. The authority for 40 CFR Part 60 continues to read as follows:

Authority: Sections 101, 111, 114, 116, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7411, 7414, 7416, 7601).

Appendix A—[Amended]

2. By revising § 3.1 of Method 7A to read as follows:

Method 7A—Determination of Nitrogen Oxide Emissions From Stationary Sources—Ion Chromatographic Method

* * * * *

3. * * *

3.1 Sampling

An absorbing solution consisting of sulfuric acid (H_2SO_4) and hydrogen peroxide (H_2O_2) is required for sampling. To prepare the absorbing solution, cautiously add 2.8 ml concentrated H_2SO_4 to a 1-liter flask containing water (same as § 3.2). Add 6 ml of 3 percent H_2O_2 that has been freshly prepared from 30 percent solution. Dilute to volume with water, and mix well. This absorbing solution should be used within 1 week of its preparation. Do not expose to extreme heat or direct sunlight.

* * * * *

[FR Doc. 89–9769 Filed 4–21–89; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 372

[OPTS–400029; FRL–3560.5]

Aluminum Oxide; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is partially granting a petition by proposing to delete nonfibrous of aluminum oxide from the list of toxic chemicals under section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). The proposal to delete nonfibrous forms of aluminum oxide is

based on EPA's conclusion that there is no evidence that nonfibrous forms of aluminum oxide cause adverse human health or environmental effects as specified under section 313(d). The decision to retain fibrous forms of aluminum oxide on the list is based on EPA's conclusion that evidence exists to support the finding that exposure to fibrous forms of aluminum oxide via inhalation may lead to the development of cancer in humans. EPA proposes to amend 40 CFR Part 372. EPA also requests comments on whether a new category of "respirable fibers" should be added to the section 313 list.

DATES: Written comments must be submitted on or before June 23, 1989.

ADDRESSES: Written comments should be submitted in triplicate to:

OTS Docket Clerk,.
TSCA Public Docket Office (TS-793),
Environmental Protection Agency,
Rm. NE-G004,
401 M St., SW.,
Washington, DC 20460,
Attention: Docket Control Number OPTS-400029.

FOR FURTHER INFORMATION CONTACT: Robert Israel, Acting Petition Coordinator,
Emergency Planning and Community Right-to-Know Hotline,
Environmental Protection Agency,
Mail Stop OS-120,
401 M St., SW.,
Washington, DC 20460,
Toll free: 800-535-0202,
In Washington, DC, and Alaska: 202-479-2449.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

The proposed deletion is issued under sections 313(d) and (e)(1) of Title III of SARA (Pub. L. 99-499). Title II of SARA is also referred to as the Emergency Planning and Community Right-To-Know Act of 1986.

B. Background

Section 313 of SARA Title III requires certain facilities using toxic chemicals to report annual thir environmental releases of such chemicals. Section 313 establishes an initial list of toxic chemicals that is composed or more than 300 chemicals and chemical categories. Any person may petition EPA to add chemicals to or delete chemicals from the list.

EPA issued a statement of petition policy and guidance in the Federal Register of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petiton is denied.

II. Description of Petition

On September 30, 1988, EPA received a petition form the Aluminum Association to delete aluminum oxide (Al_2O_3) from the list of toxic chemicals. All forms of aluminum oxide (fibrous and nonfibrous) are currently listed under section 313. On February 9, 1989, a two-week extension of the review period was granted to allow EPA to address additional concerns. The satutory deadline for EPA's response is April 12, 1989.

II. EPA's Review of Aluminum Oxide

A Toxicity Evaluation

The health and environmental review of Al_2O_3 include the assessment of metabolism and absorption, acute toxicity, chronic toxicity, carcinogenicity, mutagenicity, developmental effects, neurotoxic effects, reproductive system toxicity, and environmental toxicity. All readily available data, including those provided in the petition, studies retrieved from literature searches, and documents prepared by EPA, were considered in the health and environmental assessment. Studies in which alunimum power was the test chemical were also evaluated because aluminum powder is rapidly oxidized to Al_2O_3.

1. *Acute toxicity.* Based on available data and physicochemical properties, Al_2O_3 is not expected to be toxic upon acute or short-term exposure.

2. *Chronic toxicity.* The combined weight of evidence from human and animal studies indicates that Al_2O_3 has weak fibrogenic potential. When humans and animals were exposed by inhalation to Al_2O_3 or to Al powder, severe or irreversible pulmonary disease was not observed.

Although some pulmonary fibrosis has been observed in studies of workers exposed to aluminum dust and Al_2O_3 powder in occupational settings, the effect has been attributed to extremely high exposures and to other components mixed with Al_2O_3, such as silica.

3. *Carcinogenicity (nonfibrous Al_2O_3).* Nonfibrous forms of Al_2O_3 cannot reasonably be anticipated to cause cancer in humans. This finding is based on the lack of a tumorogenic response in three assays of nonfibrous Al_2O_3 in rats and hamsters by three routes of administration (intratracheal, intramuscular, and intrapleural). There is no evidence in humans that nonfibrous Al_2O_3 is involved in tumor development as a result of usual environmental routes of exposure.

4. *Carcinogenicity (fibrous Al_2O_3).* In light of a positive intrapleural implantation study with respirable Al_2O_3 fibers in rats, EPA has identified a cancer concern for humans exposed to respirable Al_2O_3 fibers (i.e., fibers with a diameter up to 3.5 um and lengths up to about 200 um).

In 72 experiments, researchers implanted mineral particles of respirable size and of wide chemical and structural varieties into the pleurae of female Osborne-Mendel rats. Eight samples of Al_2O_3 were included, seven of which were fibrous. A 40 mg dose of particles dispersed in gelatin was applied by open thoracotomy to the left pleural surface.

In each experiment, 30 to 50 rats were treated and followed for two years. All rats were necropsied and all lesions examined histologically. Three of the seven fibrous Al_2O_3 samples produced a statistically significant (30% or greater) incidence of pleural sarcomas.

Because inhalation studies in rodents may not be adequately sensitive for evaluating the carcinogenic potential of fibrous materials in humans, intrapleural, intratracheal and intraperitoneal routes of administration are frequently used. While these methods may not necessarily be predictive of cancer hazard via inhalation, they are of value in determining the intrinsic carcinogenic activity of test fibers close to or in contact with the target tissues.

EPA was not able to identify an adequate inhalation bioassay performed with respirable Al_2O_3 fibers to either support or call into question the findings of the intrapleural study discussed above.

A Materials Safety Data Sheet (MSDS) submitted by a manufacturer of Saffil Al_2O_3 fibers appears to contradict EPA's finding of a cancer concern. According to the MSDS, lifetime rat inhalation studies of Saffil fibers at the maximum concentration achievable showed no evidence of lung cancer, lung fibrosis, or any other adverse effect, apart from a minimal pulmonary response typical of that of a nuisance particulate. However, EPA reviewed an inhalation study believed to be among those used as the basis for the MSDS's summary statements and found that the lack of a positive response was probably because the tested fibers were relatively thick and contained a low level of respirable fractions and because the exposure concentrations of the fibers were low.

The MSDS also reports that studies in which Saffil fiber was administered by the intraperitoneal, intratracheal, or intrapleural route, together with two in vitro tests, did not show positive results, while chrysotile asbestos and crystalline silica used as positive controls did. EPA reviewed two intraperitoneal studies presumed to be among those used for the MSDS and found them inadequate for carcinogenicity assessment of the fibers because of the short study durations (observation periods of 6 months to 1 year).

5. *Neurotoxicity.* Although aluminum has been implicated in Alzheimer's disease as well as amyotrophic lateral sclerosis (ALS) and ALS-parkinsonism dementia, EPA found no clear evidence that it has a role in the observed pathological changes, signs, and symptoms of any of these diseases. Aluminum has not been found to be a risk factor for Alzheimer's disease in several case-control studies.

This effect is addressed here because Al presented to biological systems as Al_2O_3 may react with stomach acid and lead to Al ion formation.

6. *Developmental toxicity.* Available information is not sufficient for determining whether Al_2O_3 is a developmental toxicant.

7. *Mutagenicity and reproductive system toxicity.* There is no information available for evaluating Al_2O_3's potential to cause heritable genetic mutations in humans or harmful reproductive system effects.

8. *Ecotoxicity.* Because of its low water solubility, Al_2O_3 is not expected to cause any significant toxicity toward aquatic species at normal pH values (6–9), where Al_2O_3 can be expected to precipitate and mix with sediments.

Under more acidic conditions (pH less than 5), the solubility of Al_2O_3 increases, and Al_2O_3 found naturally in soils or deposited from industrial emissions may be mobilized as polymeric complexes. In susceptible aquatic systems, these complexes may cause toxicity to aquatic life. However, it is difficult to distinguish between the effects of the aluminum compounds and those due to low pH.

Al_2O_3 is not expected to bioaccumulate significantly.

B. Production, Release, and Exposure

1. *Production and use.* In 1987, domestic production of Al_2O_3 was 9.13 billion pounds. Approximately 8 billion pounds of Al_2O_3 was imported in 1987, while exports were negligible.

Most Al_2O_3 produced (94 percent) is used in the manufacturing of aluminum metal. The remaining Al_2O_3 is used to manufacture specialty aluminas such as aluminum hydroxides, activated aluminas and calcined alumina, which can be processed into fiber form.

There are three domestic producers of Al_2O_3: the Aluminum Company of America (Alcoa), Kaiser Aluminum and Chemical Corporation, and Reynolds Metals Company.

There are currently two known manufacturers (3M Inc. and DuPont) and one known importer (ICI Americas Inc.) of fibrous Al_2O_3. Production and import volumes for fibrous Al_2O_3 products are unknown or claimed confidential by the producers, but the combined total is expected to be less than .5 percent of all Al_2O_3 production. No reports were found in the Toxic Release Inventory database for releases of fibrous aluminum oxide from the facilities of these known manufacturers and importer.

2. *Exposure and release.* To date, 1,197 release reports have been received for Al_2O_3 under section 313. EPA examined aproximately twenty of these reports for release information. While the reports do not distinguish between nonfibrous and fibrous forms of Al_2O_3, EPA believes, based on knowledge of the facilities involved, that all of the examined reports were for releases of nonfibrous Al_2O_3.

Among the reports examined, fugitive air emissions of Al_2O_3 per facility ranged from 33,000 to 8.4 million pounds per year. Stack air emissions per facility ranged from 390,000 to 1.7 million pounds per year.

Releases to landfill were reported as high as 350 million pounds per facility per year. While this release appears high, Al_2O_3 is not expected to leach into drinking water supplies due to its low water solubility.

The largest release to water identified was 32 million pounds per year. Due to the low water solubility, the density, and the particle size of Al_2O_3, releases to water are anticipated to result in precipitation to sediments.

Currently, little data are available to assess the release and exposure scenarios of fibrous Al_2O_3. EPA was not able to identify any release reports for fibrous Al_2O_3. Retaining fibrous forms of Al_2O_3 on the section 313 list will allow collection and evaluation of this needed release and exposure information.

C. Summary of the Technical Review

EPA's health and environmental review of nonfibrous Al_2O_3 yielded no evidence of significant adverse human health or environmental effects.

Evidence exists to support the finding that exposures to the fibrous form of Al_2O_3 may lead to the development of cancer in humans. This effect appears to be attributable more to the fibrous nature of the material than to the chemical properties of Al_2O_3, since there is no evidence that nonfibrous Al_2O_3 causes cancer.

Currently, little data are available to assess the release and exposure scenarious of fibrous Al_2O_3. While production and importation volumes are expected to be less than .5 percent of all Al_2O_3 production, actual figures are unknown or have been claimed confidential. It is not known if release reports have been received or fibrous Al_2O_3, since the reports do not distinguish between fibrous and nonfibrous forms. Focusing reporting on fibrous forms of Al_2O_3 will clarify annual release and exposure numbers for fibrous Al_2O_3.

IV. Explanation for Proposed Action to Delete

EPA is partially granting the petition submitted by the Aluminum Association by proposing to delete nonfibrous Al_2O_3 from the section 313 list of toxic chemicals.

The decision to delete nonfibrous Al_2O_3 from the list is based upon EPA's toxicity evaluation. EPA believes that there is no evidence that nonfibrous Al_2O_3 is known to cause or can reasonably be expected to cause health or environmental effects as described in section 313(d)(2).

The decision to retain fibrous forms of Al_2O_3 on the list is also based upon EPA's toxicity evaluation. EPA believes that there is evidence that inhalation exposures to fibrous forms of Al_2O_3 can reasonably be anticipated to cause cancer in humans.

V. Rulemaking Record

The record supporting this proposed rule is contained in docket control number OPTS–400029. All documents, including an index of the docket, are available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE–G004, 401 M St., SW., Washington, DC 20460.

VI. Request for Public Comment

The Agency requests comments on all the analyses conducted for this review and on the Agency's proposal to delete nonfibrous Al_2O_3 from the list of toxic chemicals. EPA also requests that any pertinent data of Al_2O_3 be submitted to the address at the front of this document.

Scientific evidence suggests that carcinogenicity concerns may exist for a variety of fibrous materials in addition to fibrous Al_2O_3. EPA intends to explore the need for adding to the section 313 list a category of "respirable fibers" to include fibrous Al_2O_3 and other fibers of concern. This will build upon ongoing EPA work in respirable fibers and fine particulates, including that being conducted through EPA's Offices of Toxic Substances, Research and Development, and Air and Radiation.

EPA therefore requests public comment on the need for and feasibility of adding to the list a "respirable fibers" category. Public comment should address: definition of the category; criteria for inclusion of materials therein; considerations such as durability, respirability, and dimensions of fibers; feasibility of measuring or estimating respirable fractions of emissions of fibrous materials; or any other consideration relevant to the establishment of such a category.

All comments related to the deletion of nonfibrous Al_2O_3 must be submitted on or before June 23, 1989. All comments related to the addition of a new category of "respirable fibers" to the section 313 list must be submitted on or before August 22, 1989.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "major rule" because it will not have an effect on the economy of $100 billion or more.

This proposed rule would decrease the impact of the section 313 reporting requirements on coverd facilities and would result in cost-savings to industry, EPA, and States. Therefore, this is a minor rule under Executive Order 12291.

This proposed rule was submitted to the Office of Management and Budget (OMB) under Executive Order 12291.

The total number of reports expected for all forms of Al_2O_3 is 1,171. Based on this estimate, the cost savings of delisting for industry of delisting all forms of Al_2O_3 over a 10-year period is estimated to be up to $12,230,000, while the savings for EPA are estimated to be up to $231,000 (10-year present values using a 10 percent discount rate).

At this time, not enough is known about Al_2O_3 fibers to estimate the costs of reporting their releases separately. However, given that fibrous Al_2O_3 is expected to represent less than .5 percent of all Al_2O_3 production, the cost savings for delisting only nonfibrous Al_2O_3 should not be significantly less than the cost savings for delisting all forms of Al_2O_3.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities will be significantly affected. Because the proposed rule results in cost savings to facilities, the Agency certifies that small entities will not be significantly affected by the rule.

C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 372

Community right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: April 12, 1989.

Victor J. Kimm,

Acting Assistant Administrator, Office of Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 372 be amended as follows:

PART 372—[AMENDED]

1. The authority citation for Part 372 would continue to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§ 372.65 [Amended]

2. Section 372.65(a) and (b) are amended by changing the entry for aluminum oxide to read "Aluminum oxide (fibrous forms)" under paragraph (a) and for the CAS number entry 1344-28-1 under paragraph (b).

[FR Doc. 89-9766 Filed 4-21-89; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Finding on Petition to List Agave murpheyi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service announces a 90-day petition finding for the petition to amend the Lists of Endangered and Threatened Wildlife and Plants. Substantial information has been presented that a petition to list the plant *Agave murpheyi* may be warranted.

DATES: The finding announced in this notice was made in December 1988. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions regarding the petition may be submitted to the Phoenix Field Office, U.S. Fish and Wildlife Service, 3616 West Thomas, Suite 6, Phoenix, Arizona 85019 (Telephone 602/261-4720, FTS 261-4720).

The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Ms. Sue Rutman at the Phoenix Field Office list above (Telephone 602/261-4720, FTS 261-4720).

SUPPLEMENTARY INFORMATION: .

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species.

The Service has received and made a 90-day finding on the following petition from Dr. Gary Nabhan, Wendy Hodgson, and Rick Delamater of Desert Botanical Garden, Phoenix, Arizona. It was dated August 30, 1988, and was received by the Service on September 9, 1988. It requested the Service to list the plant *Agave murpheyi* as an endangered species.

Information provided by the petitioners stated this agave has been found in 34 localities from central Arizona south to northern Sonora, Mexico, most of which are associated with prehistoric agricultural systems. They provided information suggesting that indigenous people valued the species for food and fiber. They cited present threats from urban development, inundation by reservoirs, and grazing.

The petition has been examined by the Service's Regional Office in Albuquerque, New Mexico. The

recommendation is that the petition has presented substantial information to indicate that listing may be warranted. However, before a final decision is made to consider listing *Agave murpheyi*, the Service will seek additional information and a peer review of all available data by plant experts throughout the U.S. and Mexico.

On the basis of the best scientific and commercial information presently available, the Service determined that this petition has presented substantial information indicating that the action requested may be warranted.

Review of the status of *Agave murpheyi* is initiated herewith. The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any interested party concerning this species.

Author

This notice was prepared by Dr. James Tate, Jr., Division of Endangered Species and Habitat Conservation, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235–1975 or FTS 235–1975).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411; Pub. L. 100–478, 102 Stat. 2306; Pub. L. 100–653, 102 Stat. 3825 (16 U.S.C. 1531 *et seq.*); Pub. L. 99–625, 100 Stat. 3500 (1986), unless otherwise noted.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: March 24, 1989.

Becky Norton Dunlop,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89–9693 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Finding on Petition To Delist the Gray Wolf

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day petition finding for a petition to amend the List of Endangered and Threatened Wildlife and Plants. The Service finds the petitioner has not presented substantial information indicating that delisting the gray wolf (*Canis lupus*) is warranted.

DATES: The finding announced in this notice was made in October 1988. Comments and information may be submitted until further notice.

ADDRESSES: Questions or comments concerning this finding should be submitted to the Division Chief, Endangered Species, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Engel (612–725–3276 or FTS 725–3276), at the above address.

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), requires that the U.S. Fish and Wildlife Service (Service) make a finding within 90 days of the receipt of a petition to list, delist, or reclassify a species as to whether the petition presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species and, within 12 months of receipt of the petition, find whether the petitioned action is warranted.

The Service has received and made a 90-day finding on the following petition:

A petition from Mr. Lawrence Krak was received by the Service on August 19, 1988. The petition requested the Service to delist the gray wolf (*Canis lupus*) as an endangered and threatened species.

The petition stated wolves are in no danger of total extinction, with over 50,000 in Canada, 15,000 in Alaska, and 1,500 in Minnesota. The petitioner stated the classification of the wolf makes state management impossible. Concern was expressed on monies spent for wolf restoration and that wolves were starving as a result of prey depletion.

After review of the petition and other available information, the Service found the petition did not present substantial information indicating the requested delisting of the wolf may be warranted. Mr. Krak's brief petition did not present any significant information bearing on the status. Moreover, the best scientific and commercial information available to the Service indicates the goals of the gray wolf recovery plans have not been met and the present classification of the wolf is correct.

Author

This notice was prepared by James M. Engel, U.S. Fish and Wildlife Service (see **ADDRESSES** above).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended: (16 U.S.C. 1531 *et seq.;* Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411; Pub. L. 100–478, 102 Stat 2306; Pub. L. 100–653, 102 Stat. 3825); Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: March 24, 1989.

Becky Norton Dunlop,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 89–9694 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 54, No. 77
Monday, April 24, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Docket No. 89-016]

Secretary's Advisory Committee on Swine Health Protection; Notice of Renewal

The Secretary of Agriculture has renewed the Secretary's Advisory Committee on Swine Health Protection (Committee) for a 2-year period.

The purpose of the Committee is to consult with the Secretary of Agriculture on matters within the scope of the Swine Health Protection Act, including assuring effective coordination between Federal and State programs for regulating garbage fed to swine. The Committee also serves as a public forum enabling those affected by the Swine Health Protection Program to have a voice in the program's policies.

The Committee is specifically authorized by section 11 of the Swine Health Protection Act (7 U.S.C. 3810). The Secretary has determined that the work of the Committee is in the public interest and is in connection with the duties of the Department of Agriculture.

For further information contact Dr. Dale C. Gigstad, Senior Staff Veterinarian, Swine Diseases Staff, VS, APHIS, USDA, Room 735-A, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7767.

Comments should be directed to Helene R. Wright, Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 89-016. Comments received may be inspected at Room 1141 of the South Building, 14th and Independence Avenue, SW., Washington, DC, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Consideration will be given only to comments postmarked or received on or before May 9, 1989.

Done in Washington, DC, this 18th day of April, 1989.

John J. Franke, Jr.,

Assistant Secretary for Administration.

[FR Doc. 89-9692 Filed 4-21-89; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 89-015N]

National Advisory Committee on Microbiological Criteria for Foods; Meetings

Notice is hereby given that meetings of the Meat and Poultry and Seafood Subcommittees of the National Advisory Committee on Microbiological Criteria for Foods will be held on Wednesday through Saturday, May 10-13, 1989. Meetings are schedule from 1:00 to 5:00 p.m. on Wednesday, and from 8:30 a.m. to 5:00 p.m. on Thursday, Friday, and Saturday, at the New Orleans Marriott Hotel, 555 Canal Street, New Orleans, Louisiana 70140.

The Committee provides advice and recommendations to the Secretaries of Agriculture and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed, including criteria for microorganisms that indicate whether foods have been produced using good manufacturing practices.

The subcommittees, which are comprised of committee members, will be meeting to review and discuss assignments referred to them by the full committee and to prepare comments on those assignments.

The meetings are open to the public on a space available basis. Comments of interested persons may be filed prior to, or following, the meetings in order that they may be considered and should be addressed to Ms. Catherine M. DeRoever, Director, Executive Secretariat, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 3175, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250. Background materials are available for inspection by contacting Ms. DeRoever on (202) 447-9150.

Done at Washington, DC on: April 17, 1989.

Kenneth A. Gilles,

Chairman.

[FR Doc. 89-9734 Filed 4-21-89; 8:45 am]

BILLING CODE 3410-DM-M

Commodity Credit Corporation

Determinations with Regard to the 1989 Rice Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination of 1989-crop provisions for rice.

SUMMARY: The purpose of this notice is to affirm the determinations previously made by the Secretary of Agriculture in accordance with the Agricultural Act of 1949, as amended (the "1949 Act"), and the Commodity Credit Corporation Charter Act, as amended, with respect to the 1989 price support and production adjustment programs for rice.

EFFECTIVE DATE: December 1, 1988.

ADDRESS: Bruce R. Weber, Director, Commodity Analysis Division, USDA-ASCS, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Gene Rosera, Agricultural Economist, Commodity Analysis Division, USDA-ASCS, Room 3740, South Building, P.O. Box 2415, Washington, DC 20013 or call (202) 447-5954. The Final Regulatory Impact Analysis describing the options considered in developing this notice of determinations and the impacts of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been designated as "major." It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The titles and numbers of the Federal assistance programs, as found in the catalog of Federal Domestic Assistance, to which this notice applies are:

Titles	Numbers
Rice Production Stabilization	10.065
Loans and Purchases	10.051

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject of this notice.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It has been determined by environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

GENERAL INFORMATION: On October 6, 1988, (53 FR 39322) a notice of proposed determinations was published which set forth provisions for the 1989 Rice Price Support and Production Adjustment Programs. A total of 11 respondents commented on the 1989 Rice Program. Three of the respondents were received from individual rice producers, one from a foreign government, and the balance were from producer or miller organizations.

Public comments were recorded and presented to the Secretary prior to the final program determinations. The following specific comments were received:

(1) *Acreage Reduction Program:* Nine of the eleven comments received on the acreage reduction level favored a 25 percent or greater reduction level. Two comments favored a 20 percent reduction or less. The 1949 Act, as amended, provides that to the maximum extent practicable, the Secretary shall carry out an acreage limitation program to result in a carryover to 30 million hundredweight. The announced reduction level of 25 percent is forecast to more closely attain this level than any of the other considered reduction options. The total supply of rice is forecast to be adequate to provide for growth in total utilization during the 1989/90 marketing year.

(2) *Land Diversion Program:* All four comments were received opposed the establishment of a paid land diversion program. A paid diversion program will not be implemented because the acreage reduction program is determined to be sufficient to prevent rice stocks from becoming excessive.

(3) *National Program Acreage:* Two comments opposing the establishment of a National Program Acreage were received. This program, and the voluntary reduction percentage, will not be implemented because an acreage reduction program has been established.

(4) *Certificate Purchases:* Four comments were received and all opposed requiring producers to purchase marketing certificates with respect to any portion of any marketing loan gain. Certificate purchases will not be required of producers who repay price support loans at a reduced rate. Such certificates would have to be rice specific and it is not likely that CCC will forecast to have a rice inventory sufficient to support the potential certificate issuances under this provision.

(5) *Loan Deficiency Payments:* Four comments were received regarding this provision, three in opposition and one in support of such payments. One suggested that such payments be based on actual rather than State-average milling yields. Loan deficiency payments will be offered to producers under the 1989-crop program.

(6) *Inventory Reduction Program:* Two comments were received opposing the inventory reduction program. This program is not being implemented because program participation by large farm units has remained high and is forecast to be high without implementing this provision.

Determinations

1. *Loan and Purchase Level.* In accordance with section 101A(a) (1) and (2) of the 1949 Act, the price support loan and purchase level for the 1989 crop of rice shall be $6.50 per hundredweight.

2. *Established (Target) Price.* In accordance with section 101A(c)(1)(D) of the 1949 Act, the established ("target") price for the 1989 crop of rice shall be $10.80 per hundredweight.

3. *Acreage Reduction/Paid Land Diversion Programs.* In accordance with sections 101A(f)(1)(A) and 101A(f)(4)(A) of the 1949 Act, the acreage reduction program for the 1989 crop of rice is established at 25 percent and land diversion payments shall not be made available. Accordingly, producers will be required to reduce their 1989 acreages of rice for harvest from their rice acreage bases by 25 percent in order to be eligible for price support loans, purchases, and payments.

4. *Marketing Certificate Purchase.* In accordance with section 101A(a)(5)(A) of the 1949 Act, producers will not be required to purchase marketing certificates equal in value to an amount that does not exceed one-half the difference between the amount of the loan obtained by the producer and the amount of the loan repayment.

5. *Loan Deficiency Payments.* In accordance with section 101A(b)(1) of the 1949 Act, the Secretary will make payments available to producers who, although eligible to obtain a loan or purchase agreement, agree to forgo obtaining such loan or agreement in return for such payment. Such payments shall be computed by multiplying the loan payment rate by the quantity of rice the producer is eligible to place under loan, but such quantity may not exceed the product obtained by multiplying the individual farm program acreage by the farm program payment yield for the farm.

6. *Inventory Reduction Program.* In accordance with section 101A(g) of the 1949 Act, the Secretary will not make payments available to producers who agree to forgo obtaining a loan or purchase agreement and deficiency and disaster payments and who do not plant rice for harvest in excess of the rice acreage base reduced by one-half of the required reduction percentage.

Authority: Sections 101A and 107E of the Agricultural Act of 1949, as amended, 99 Stat. 1419, as amended, 1448 [7 U.S.C. 1441–1 and 1445e].

Signed at Washington, DC on April 17, 1989.

Vern Neppl,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 89–9691 Filed 4–21–89; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Screening of Effects of Proposed Emissions on Air Quality Related Values in Class I Wilderness Areas

AGENCY: Forest Service, USDA.

ACTION: Notice of intent.

SUMMARY: The Forest Service hereby gives notice of its intent to use a screening procedure for the initial review of permit applications from proposed new or modified major sources of air pollution that may affect air quality related values in 88 class I wilderness areas managed by the Agency. This screening procedure is intended to help managers identify and estimate the potential severity of impacts from proposed additional air pollution.

DATE: The Agency will begin using this screening procedure as soon as possible. Comments on the use of this procedure are invited and must be received in writing by June 23, 1989.

ADDRESSES: Send written comments to F. Dale Robertson, Chief (2580), Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090. The public may inspect comments received on this proposed procedure in the Office of the Director, Watershed and Air Management Staff, Room 1210, Rosslyn Plaza E Building, 1621 North Kent Street, Rossyln Virginia between the hours of 8:30 a.m. and 3:00 p.m.

FOR FURTHER INFORMATION CONTACT: James G. Byrne, Watershed and Air Management Staff, 703–235–8096.

SUPPLEMENTARY INFORMATION: The Forest Service is required by the Clean Air Act, as amended in 1977, to report to the permitting authority (either the Environmental Protection Agency or the State) the effects of proposed additional air pollution from new or modified major emission sources that may affect air quality related values in class I wilderness areas managed by the Forest Service. The time allowed for Agency reply sometimes may be as little as 30 days.

Forest Service managers and leding scientists in air pollution effects developed a procedure for screening permit applications at a national workshop held in May 1988. The Agency intends to use this screening procedure to help managers identify those permit applications that are likely to require more intensive study and consideration in the short time available for permit review.

The screening procedure uses estimates of sulfur and nitrogen deposition and ambient ozone concentration in determining whether adverse effects on air quality related values in class I wildernesses could occur. These estimates are expressed as "green" and "red" lines on a graph. Pollution levels that fall below the "green" line would likely be judged not to cause adverse impacts. Levels at or above the "red" line would likely be judged to cause adverse impacts. In both thes cases, the land manager might request additional detailed information related to projected effects on air quality related values before recommending permit actions to the Environmental Protection Agency or the State. Levels of pollution falling in the zone between the red and green lines would be evaluated on the basis of additional information aimed at better identifying the effects.

More detailed information on the development of this screening procedure is contained in the workshop report entitled "A Screening Procedure to Evaluate Air Pollution Effects on Class I Wilderness Areas" (GTR RM–168) published by the USDA Forest Service, Rocky Mountain Forest and Range Experiment Station in January 1989. Copies of this report are available from: Publications Office, Rocky Mountain Forest and Range Experiment Station, USDA Forest Service, 3825 E. Mulberry, Fort Collins, CO 80524.

The Agency wants the interested public to have the opportunity to submit written comments on the use and/or value of the screening procedure. These comments will be used to refine the screening process for each class I area. Forest Service Regional workshops, beginning in fiscal year 1989, will be used to train land managers in this procedure. These workshops will develop more specific screening criteria for sulfur and nitrogen deposition and ambient ozone concentration for specific wildernesses in their respective Regions. These workshops will be held in coordination with Forest Service Research and participants will be managers, invited local scientists, and some participants from the 1988 national workshop. The Agency or the State. Levels of pollution falling in the zone between the red and green lines would be evaluated on the basis of additional information aimed at better identifying the effects.

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Date: April 17, 1989.

George M. Leonard

Associate Chief.

[FR Doc. 89–9733 Filed 4–21–89; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held May 10 and 11, 1989, in the Herbert C. Hoover Building, 14th Street & Constitution Avenue NW., Washington, DC. On May 10 the meeting will convene at 9:00 a.m. in Room 1617F. On May 11 the meeting will reconvene at 9:00 a.m. and continue to its conclusion in Room 1617F in the Herbert C. Hoover Building. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to electronics and related equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.

Executive Session

3. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting and can be directed to: Lee Ann Carpenter, Technical Advisory Committee Unit, Office of Technology & Policy Analysis, Room 4069A, 14th Street & Constitution Avenue NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the

provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes please call Lee Ann Carpenter, 202–377–2583.

Date: April 17, 1989.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.

[FR Doc. 89–9786 Filed 4–21–89; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

Announcement of New Application Forms for Administrative Protective Orders

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of new application forms to be used in requesting administrative protective orders.

The Department of Commerce is announcing that, as of April 27, 1989, it will only accept applications for administrative protective orders filed with the Department on FORM ITA–367 (3.89). Copies of these forms may be obtained from the Department of Commerce, Room B–099, 14th Street and Pennsylvania Ave., NW., Washington, DC 20230.

EFFECTIVE DATE: April 24, 1989.

FOR FURTHER INFORMATION CONTACT: Ann M. Sebastian, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Pennsylvania Ave., NW., Washington, DC 20230, (202) 377–3354 or Leila J. Afzal, Office of Chief Counsel for Import Administration, U.S. Department of Commerce, 14th Street and Pennsylvania Ave., NW., Washington, DC 20230, (202) 377–0082.

April 14, 1989.

Timothy N. Bergan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89–9667 Filed 4–21–89; 8:45 am]

BILLING CODE 3510–DS–M

[C–469–004]

Stainless Steel Wire Rod From Spain; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on stainless steel wire rod from Spain. We preliminarily determine the net subsidy for the period January 1, 1987 through December 31, 1987 to be 0.42 percent *ad valorem*, a rate we consider *de minimis*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: April 24, 1989.

FOR FURTHER INFORMATION CONTACT: Laurie Goldman or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On July 28, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 28427) the final results of its last administrative review of the countervailing duty order on stainless steel wire rod from Spain (48 FR 52; January 3, 1983). On January 29, 1988, a Spanish exporter, Roldan S.A., requested in accordance with section 355.10 of the Commerce Regulations an administrative review of the order. We published the initiation on March 2, 1988 (53 FR 6681). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule (HTS) as provided for in section 1201 et seq. of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this review are shipments of Spanish stainless steel wire rod, which includes coiled, semi-finished, hot-rolled stainless steel products of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, whether or not tempered or treated or partly manufactured. During the review period, such merchandise was classified under item numbers 607.2600 and 607.4300 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item numbers 7221.00.00.20 and 7221.00.00.40. The review covers the period January 1, 1987 through December 31, 1987 and six programs.

Analysis of Programs

(1) Long-Term Loans Under the Concerted Action Program

Under the Concerted Action Program established by Royal Decree 669/74, the Spanish government directs banks to make long-term loans to steel companies at below-market rates. Such loans are provided for approximately ten years. Roldan received a long-term loan for financing new plant and equipment that had an outstanding balance during the review period. The loan was received in multiple disbursements from 1977 to 1981. Because the loans under the Concerted Action Program are provided to a specific industry at rates and terms inconsistent with commercial considerations, we preliminarily determine that this loan confers a countervailable domestic subsidy.

Roldan did not obtain any comparable commercial loans in the year in which it received the preferential long-term loan. Therefore, we used as our long-term commercial benchmark the "free" long-term (three or more years) lending rate published by the Bank of Spain in its *Boletin Estadistico*. We treated the multiple disbursements as individual loans.

To calculate the benefit, we found the difference between the annual amounts of principal and interest Roldan actually paid and the annual amounts of principal and interest Roldan would have paid if it had received each disbursement at our commercial benchmark rate. We then calculated the "grant equivalent" of each disbursement by determining the present value (at the time the preferential loan was made) of the difference in annual payments that would occur during the life of the loan. Using our declining balance methodology with the long-term commercial benchmark as the discount rate, we allocated the grant equivalents

over the life of the loan. We then totaled the review period benefits allocated for each disbursement.

Since these loans benefit a company's total production, we allocated the benefit over the company's total sales during the review period. On this basis, we preliminarily determine the benefit from this program to be 0.27 percent *ad valorem* during the review period.

(2) Prefinancing of Exports Under Privileged Circuit Exporter Credit Program

As part of its Privileged Circuit Exporter Credit program, the Spanish government, under Royal Decree 2254/85 of November 20, 1985, required banks to set aside a specific percentage of lendable funds for the prefinancing of exports. The maximum amount of allowable funds for prefinancing of exports was 69 percent of the invoice value until July 1, 1987, when it was reduced to 61 percent. The maximum term of these loans was 90 days and the interest rate ranged between 10 and 10.5 percent. Because this program is contingent upon export performance, we preliminarily determine that it confers a countervailable benefit on exports.

To calculate the benefit, we compared the preferential interest rate to our commercial benchmark and applied the interest differential to the principal amounts of the loans. We used as our commercial benchmark an annual average of the "free" three-month lending rate published in the *Boletin Estadistico*. Since Roldan was able to tie these loans to specific shipments, we allocated the benefit from loans for U.S. shipments over Roldan's exports of stainless steel wire rod to the United States during the review period. We preliminarily determine the benefit from this program to be 0.15 percent *ad valorem*.

Because this program was terminated effective March 5, 1987, pursuant to Royal Decrees 321/1987 and 322/1987, we preliminarily determine that for this program the cash deposit of estimated countervailing duties will be zero.

(3) Energy Saving Grant

Under the Ministerial Order of December 17, 1984 and pursuant to Royal Decree 101/1984 of January 25, 1984, the Institute for the Diversification and Saving of Energy provides funds for investment in energy saving equipment. This program is part of the National Energy Saving Plan (PEN) and open to all energy saving projects. Roldan received a grant for energy saving equipment under this program.

Eligibility for this program is not contingent upon export performance nor limited to any specific region, industry or groups of industries. The Government of Spain has provided information showing that a wide variety of industries and sectors in all regions and provinces have taken advantage of this program. Because this program is not limited to a specific enterprise or industry or group of enterprises or industries, we preliminarily determine that this program does not confer a countervailable subsidy.

(4) Other Programs

We also examined the following programs and preliminarily determine that Roldan did not use them during the review period:

A. Operating Capital Loans.
B. Capital Grants.
C. Regional Incentives Program.

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy for the period January 1, 1987 through December 31, 1987 to be 0.42 percent *ad valorem*. The Department considers any rate less than 0.50 percent to be *de minimis*.

The Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1987 and on or before December 31, 1987.

The Department also intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the last workday preceding. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.22 of the Commerce Regulations published in the **Federal Register** on December 27, 1988 (53 FR 52306) (to be codified at 19 CFR 355.22).

Date: April 14, 1989.

Timothy N. Bergan,

Acting Assistant Secretary for Import Administration.

[FR Doc. 89-9666 Filed 4-21-89; 8:45 am]

BILLING CODE 3510-DS-M

City University of New York Medical School, et al., Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 88-287. *Applicant:* City University of New York Medical School, New York, NY 10031. *Instrument:* Electron Microscope, Model JEM-100CX. *Manufacturer:* JEOL Ltd., Japan. *Intended Use:* See notice at 53 FR 43463, October 27, 1988. *Instrument Ordered:* April 1, 1988.

Docket Number: 88-290. *Applicant:* University of Denver, Denver, CO 80208. *Instrument:* Electron Microscope, Model H-7000. Manufacturer: Hitachi Scientific Ltd., Japan. *Intended Use:* See notice at 53 FR 43463, October 27, 1988. *Instrument Ordered:* March 24, 1988.

Docket Number: 88-297. *Applicant:* Methodist Medical Center, Dallas, TX 75208. *Instrument:* Electron Microscope, Model EM 10CA. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 53 FR 43464, October 27, 1988. *Instrument Ordered:* July 14, 1988.

Docket Number: 88-298. *Applicant:* Rhodes College, Memphis, TN 38112-1690. *Instrument:* Electron Microscope, Model EM 109T/TFP with Accessories. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* See notice at 53 FR 43464 October 27, 1988. *Instrument Ordered:* July 18, 1988.

Docket Number: 88-303. *Applicant:* Armed Forces Radiobiology Research Institute, Bethesda, MD 20814-5145. *Instrument:* Electron Microscope, Model H-7000-2T. *Manufacturer:* Hitachi Scientific Ltd., Japan. *Intended Use:* See notice at 53 FR 43464, October 27, 1988. *Instrument Ordered:* August 10, 1988.

Docket Number: 88-304. *Applicant:* University of California, Berkeley, Berkeley, CA 94720. *Instrument:* Electron

Microscope, Model JEM–1200EX/SEG/DP/DP. Manufacturer: JEOL Ltd., Japan. *Intended Use:* See notice at 53 FR 43465, October 27, 1988. *Instrument Ordered:* August 2, 1988.

Docket Number: 88–307. *Applicant:* The Ohio State University, Columbus, OH 43210. *Instrument:* Electron Microscope, Model CM12. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* See notice at 53 FR 43465, October 27, 1988. *Instrument Ordered:* August 12, 1988.

Docket Number: 88–310. *Applicant:* Queens Hospital, Jamaica, NY 11432. *Instrument:* Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. *Intended Use:* See notice at 53 FR 43465, October 27, 1988. *Instrument Ordered:* February 5, 1988.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. *Reasons:* Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 89–9665 Filed 4–21–89; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of the Export Visa Arrangement for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Republic on Turkey

April 19, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending the export visa arrangement.

EFFECTIVE DATE: May 1, 1989.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854)

The current Export Visa Arrangement between the Governments of the United States and the Republic of Trukey is being amended to specify that the first digit of the standard nine-digit visa number shall be the last digit of the year of export of the shipment.

The Arrangement is being amended further to require a visa for the entry of cotton and man-made fiber textile products in Categories 336/636.

Interested persons are advised to take all necessary steps to ensure that textile products, produced or manufactured in Turkey and exported from Turkey on and after May 1, 1989, which are to be entered or withdrawn from warehouse for consumption in the United States will meet the visa requirements as amended in this notice.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 52 FR 6859, published in the **Federal Register** on March 5, 1987.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 19, 1989.

Commissioner of Customs,
Department of the Treasury, Washington, DC. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 2, 1987, by the Chairman, Committee for the Implementation of Textile Agreements that directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Turkey which were not properly visaed.

Effective on May 1, 1989, the Export Visa Arrangement between the Governments of the United States and the Republic of Turkey shall be amended to read as follows:

The Visa Number. The visa number shall be in the standard nine-digit/letter format beginning with one numeric digit for the last digit of the year of export, followed by the two character alpha country code, specified by the International Organization for Standardization (ISO) (the code for Turkey is "TR"), followed by a six-digit numeric serial number identifying the shipment, e.g., 9TR123456. The date of issuance shall be the day, month and year on which the visa was issued.

You are directed to deny entry of shipments of textile products, produced or manufacture in Turkey and exported from Turkey on and after May 1, 1989, in which the visa number does not conform with the aforementioned standard nine-digit/letter format. If the visa is not acceptable, a new visa must be obtained from the Government of the Republic of Turkey or a visa waiver issued by the Turkish Government through the U.S. Department of Commerce.

Also, effective on May 1, 1989, you are directed to prohibit entry of cotton and man-made fiber textile products in Categories 336/636 entered for consumption or withdrawn from warehouse for consumption into the Customs territory of the United States (i.e., the 50 States, the District of Columbia and the Commonwealth of Puerto Rico) which are produced or manufactured in Turkey and exported from Turkey on and after May 1, 1989 for which the Government of the Republic of Turkey has not issued and appropriate export visa.

Goods in Categories 336/636, produced or manufactured in Turkey which were exported prior to May 1, 1989 shall not be denied entry for lack of a visa.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89–9784 Filed 4–21–89; 8:45 am]

BILLING CODE 3510–DR–M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 89–2–87CD]

1987 Cable Royalty Distribution Proceeding

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice of Phase I settlement; notice of partial distribution.

SUMMARY: The Tribunal announces that the Phase I claimants to the 1987 cable royalty distribution proceeding have reached a settlement, and that a partial distribution of the 1987 cable copyright royalty fund can be made.

DATES: The distribution of cable copyright royalties will take place on April 27, 1989.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1111 20th Street NW., Suite 450, Washington, DC, (202) 653–5175.

SUPPLEMENTARY INFORMATION: On March 30, 1989, the Tribunal published in the **Federal Register** a notice

declaring that controversies existed in both Phase I and Phase II of the 1987 cable royalty distribution proceeding, effective April 3, 1989. 54 FR 13101. In the same notice, the Tribunal asked the parties for comments on how much of the 1987 cable royalty fund could be distributed. The comments were due April 14, 1989.

On April 14, 1989, the Tribunal received notice from the Phase I claimants that all Phase I controversies had been resolved, and that the parties had agreed to a Phase I allocation of cable royalties on the same basis as the allocations made for the 1983–1986 funds. The Tribunal adopts the settlement of the Phase I claimants and declares that Phase I of the 1987 cable royalty distribution proceeding is concluded. The procedural dates for Phase II will be set by the Tribunal in an order to be issued to the Phase II parties at a later date.

Concerning a distribution of the 1987 fund, since there was a full agreement regarding Phase I, the only remaining question is how much should be retained by the Tribunal to satisfy any Phase II controversies. The Phase II claimants in the Noncommercial Television and the Music categories state that although there may be Phase II hearings necessary to resolve their controversies, full distributions can be made in those categories, with all the parties within those categories stating their willingness to reimburse each other as may be required. In the Program Suppliers category, MPAA, NAB and Multimedia suggested a total distribution based upon the same mechanism as last year's. Accordingly, the Tribunal will make the Phase II Program Supplier distribution based upon the 1983 percentages. All three parties have represented that they will undertake any reimbursement that may be necessary to reflect the ultimate award.

Accordingly, the Tribunal will make 100% distributions according to the recommendations of these parties in the Noncommercial Television, Music and Program Suppliers categories as well as all other categories which have no Phase II controversies.

Concerning the Devotional Claimants category, however, there was disagreement among the commenters. Those Devotional Claimants that had received in prior years some portion of the Devotional Claimants' allocation—the Christian Broadcasting Network, Inc., Old Time Gospel Hour, The Inspirational Network, NAB, and Multimedia—recommended that there be a 100% distribution of Devotional Claimants' royalties to an escrow fund, or if the Tribunal felt there should be some withholding to account for the new claimants, it should be no more than 5%. The new claimants wanted the Tribunal to withhold more. In Touch Ministries, Oral Roberts Evangelistic Association and First Century Broadcast, Inc. requested that the Tribunal withhold 25%, and Christian Television Network requested that the Tribunal withhold 45%.

In a situation where there are new claimants for whom the Tribunal has no prior experience, determining how much to distribute can be problematic. On the one hand, the Tribunal needs to retain sufficient funds to satisfy all controversies. On the other hand, the Tribunal has a mandate to make as rapid a distribution of the funds as feasible, and the Tribunal has stated several times in the past that the mere assertion of a percentage claim by a claimant does not define the extent of the controversy. Otherwise, a claimant could frustrate a valid distribution by merely interposing a large percentage.

The Tribunal has determined in this case that it will distribute 80% of the Devotional Claimants royalties to those claimants who have previously shown entitlement, while retaining 20% to satisfy the claims of the new claimants. It is emphasized that this decision is not in any sense a determination by the Tribunal of the ultimate award the Tribunal expects to make in the Devotional Claimants category. Further, should the final awards to the new claimants exceed 20%, reimbursement from the other Devotional Claimants shall be the amount owed plus the interest that would have accrued had the royalties remained with the Copyright Office.

Accordingly, an 80% distribution of the Devotional Claimants category, and a 100% distribution of all other Phase I categories is ordered for April 27, 1989.

J. C. Argetsinger,
Acting Chairman.

Dated: April 18, 1989.

[FR Doc. 89–9723 Filed 4–21–89; 8:45 am]
BILLING CODE 1410–09–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Panel on Government-Industry Relations; Subpanel Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Defense Advisory Panel on Government-Industry Relations (DAPGIR), Subpanel on Suspension and Debarment, is scheduled to be held from (9 a.m. to 5 p.m. on May 3, 1989. The meeting will be held at the U.S. Chamber of Commerce, 1615 H Street NW., Washington, DC. The agenda includes a review of the Terms of Reference, several guest speakers and a roundtable discussion.

The DAPGIR was established pursuant to section 808, Pub. L. 100–456 to study and make recommendations to the Secretary of Defense on ways to enhance cooperation between the Department of Defense and industry regarding matters of mutual interest, including: (1) Procedures governing the debarment and suspension of contractors from doing business with the Department of Defense; (2) the role of self-governing oversight programs established by defense contractors; and (3) expended use of alternative disputes resolution procedures. The Panel will also study and make recommendations on the desirability of establishing a permanent panel.

The starting time of this Subpanel meeting is subject to change. Persons desiring to attend should verify the starting time by contacting Ms. Regina Bacon, Defense Advisory Panel on Government-Industry Relations, ATTN: DLA–L, Cameron Station, Alexandria, VA 22304, telephone (202) 274–7146, no later than May 1, 1989.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 18, 1989.

[FR Doc. 89–9771 Filed 4–21–89; 8:45 am]
BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER84–560–008 et al.]

Union Electric Company et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

April 17, 1989.

Take notice that the following filings have been made with the Commission:

1. Union Electric Company

[Docket No. ER84–560–008]

Take notice that on January 23, 1989 Union Electric Company (Union) tendered for filing the Callaway Test Energy refund and refund of the Labadie Insurance Recoveries pursuant to the Commission's order issued November 25, 1988.

Comment date: May 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

2. Public Service Company of New Mexico

[Docket No. ER89-227-000]

Take notice that on March 30, 1989, Public Service Company of New Mexico (PNM) tendered for filing Texas-New Mexico Power Company's (TNP) Concurrence in the cancellation of Service Schedules C and D to the PNM-TNP Interconnection Agreement dated November 13, 1975. TNP's Concurrence supplements PNM's February 10, 1989 filing of the Notices of Cancellation of Service Schedules C and D to the PNM-TNP Interconnection Agreement.

Comment date: May 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9704 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 1413-004 et al.]

Hydroelectric Applications (Island Park Resorts, Inc. et al.); Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. *Type of Filing:* Transfer of License.

b. *Project No.:* 1413-004.

c. *Date Filed:* March 23, 1989.

d. *Applicants:* Island Park Resorts, Inc. and Buffalo Hydro, Inc.

e. *Name of Project:* Pond's Lodge Hydroelectric Project.

f. *Location:* Occupies lands within the Targhee National Forest on the Buffalo River, in Fremont County, Idaho.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contacts:*

Mr. Jay Goldman, President, Pond's Lodge, Island Park, ID 83429, (208) 558-7221.

Mr. Randall B. Reed, Holden, Kidwell, Hahn & Crapo, P.O. Box 50130, Idaho Falls, ID 83405, (208) 523-0620.

i. *FERC Contact:* Thomas Dean, (202) 376-9562.

j. *Comment Date:* May 26, 1989.

k. *Description of Application:* Island Park Resorts, Inc. (licensee) proposes to transfer the license issued on March 14, 1980, to Buffalo Hydro, Inc. (transferee). The transferee is a private corporation organized under the laws of the State of Idaho.

l. This notice also consists of the following standard paragraphs: B & C.

2 a. *Type of Application:* New Minor License.

b. *Project No.:* 2758-003.

c. *Date Filed:* November 28, 1988.

d. *Applicant:* Linweave, Inc.

e. *Name of Project:* Crocker Mill, A and B Wheels Project.

f. *Location:* On the Second Level Canal of the Holyoke Canal System off of the Connecticut River in Hampden County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contacts:*

Mr. Robert Belsky, President, Linweave, Inc., 10 Linweave Drive, Holyoke, MA 01040, (413) 526-6410.

June P. Broadstone, Esquire, Skadden, Arps, Slate, Meager & Flom, 1440 New York Avenue, NW., Washington, DC 20005, (202) 371-7000.

i. *FERC Contact:* Steven H. Rossi, (202) 376-9814.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The existing operating project was issued an initial license in 1977, which will expire in 1991. The licensee has filed for a new license for the continued operation of the project. The existing project consists of: (1) A gated intake with submerged trashracks located on the second level canal of the Holyoke Water Power Company; (2) a 10-foot-diameter penstock 225 feet long; (3) an existing 350-kW generating unit located in the Crocker Mill building; (4) a 10-foot-wide by 8-foot-high arched brick-lined tailrace tunnel 230 feet long extending from the draft tube to an existing concrete outlet structure; (5) a concrete gated outlet structure where tailwater empties into a channel that leads to the Connecticut River; (6) a 13.8-kV transmission line 140 feet long that connects the project to an existing transmission line; and (7) appurtenant facilities. The project generates an average of 1,543 MWh annually.

l. *Purpose of Project:* Project power would continue to be sold to the Fitchburg Gas & Electric Light Company.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

3 a. *Type of Application:* New Minor License.

b. *Project No.:* 2770-002.

c. *Date Filed:* November 28, 1988.

d. *Applicant:* Linweave, Inc.

e. *Name of Project:* Crocker Mill, C Wheel Project.

f. *Location:* On the Second Level Canal of the Holyoke Canal System off of the Connecticut River in Hampden County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contacts:*

Mr. Robert Belsky, President, Linweave, Inc., 10 Linweave Drive, Holyoke, MA 01040, (413) 526-6410.

June P. Broadstone, Esquire, Skadden, Arps, Slate, Meager & Flom, 1440 New York Avenue, NW., Washington, DC 20005, (202) 371-7000.

i. *FERC Contact:* Steven H. Rossi, (202) 376-9814.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The existing operating project was issued an initial license in 1977, which will expire in 1991. The licensee has filed for a new license for the continued operation of the project. The existing project consists of: (1) A gated intake with submerged trashracks located on the second level canal of the Holyoke Water Power Company; (2) a 7-foot-diameter penstock 210 feet long; (3) an existing 300-kW generating unit located in the Crocker Mill building; (4) a 12-foot-wide by 8-foot-high arched brick-lined tailrace tunnel 220 feet long extending from the draft tube to an existing concrete outlet structure; (5) a concrete gated outlet structure where tailwater empties into a channel that leads to the Connecticut River; (6) a 13.8-kV transmission line 140 feet long that connects the project to an existing transmission line; and (7) appurtenant facilities. The project generates an average of 1,329 MWh annually.

l. *Purpose of Project:* Project power would continue to be sold to the Fitchburg Gas & Electric Light Company.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

4a. *Type of Application:* New Minor License.

b. *Project No.:* 2771–002.

c. *Date Filed:* November 25, 1988.

d. *Applicant:* Linweave, Inc.

e. *Name of Project:* Nonotuck Mill Project.

f. *Location:* On the Second Level Canal of the Holyoke Canal System off of the Connecticut River in Hampden County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:*

Mr. Robert Belsky, President, Linweave, Inc., 10 Linweave Drive, Holyoke, MA 01040, (413) 526–6410.

June P. Broadstone, Esquire, Skadden, Arps, Slate, Meager & Flom, 1440 New York Avenue, NW., Washington, DC 20005, (202) 371–7000.

i. *FERC Contact:* Steven H. Rossi, (202) 376–9814.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The existing operating project was issued an initial license in 1977, which will expire in 1991. The licensee has filed for a new license for the continued operation of the project. The existing project consists of: (1) A gated intake with submerged trashracks located on the second level canal of the Holyoke Water Power Company; (2) a 10.5-foot-diameter penstock 235 feet long; (3) an existing 500-kW generating unit located in the Nonotuck Mill building; (4) two parallel 9-foot-wide by 9-foot-high arched brick-lined tailrace tunnels 190 feet long extending from the draft tube to an existing concrete outlet structure; (5) a concrete gated outlet structure where tailwater empties into a channel that leads to the Connecticut River; (6) a 13.8-kV transmission line; and (7) appurtenant facilities. The project generates an average of 3,068 MWh annually.

l. *Purpose of Project:* Project power would continue to be sold to the Fitchburg Gas & Electric Light Company.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

5a. *Type of Application:* New License (less than 5 MW).

b. *Project No.:* 2772–002.

c. *Date filed:* November 28, 1988.

d. *Applicant:* Linweave, Inc.

e. *Name of Project:* Gill Mill (A Wheel).

f. *Location:* On the second level canal of the Holyoke Water Power Company on the Connecticut River, Hamden County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Mr. Robert Belsky, Linweave, Inc., 10 Linweave Drive, Holyoke, MA 01040, (413) 536–6410.

i. *FERC Contact:* Michael Dees, (202) 376–9414.

j. Comment Date: May 25, 1989.

k. *Description of Project:* The existing project consists of: (1) A gated intake with submerged trashracks located on the second level canal of the Holyoke Water Power Company; (2) an 8-foot-diameter penstock 295 feet long; (3) an existing 450-kW generating unit located within the Gill Mill building; (4) a 16-foot-wide by 9-foot-high arched brick-lined tailrace tunnel extending from the draft tube to an existing outlet structure; (5) a concrete gated outlet structure where tailwater empties into a channel that leads to the Connecticut River; (6) a 13.8-kV transmission line 660 feet long that connects the project to an existing transmission line; and (7) appurtenant facilities.

The applicant estimated from historical generation that the average annual energy generation will be 2,530 MWh. The applicant is the sole owner of the existing project facilities and has no plans to modify the existing facilities or operation.

The existing project is not subject to Federal takeover because in the original license section 15 of the FPA was waived only insofar as it relates to Federal takeover.

1. This notice also consists of the following standard paragraphs: B, C, and D1.

6 a. *Type of Application:* New License (less than 5 MW).

b. *Project No.:* 2775–001.

c. *Date filed:* November 25, 1988.

d. *Applicant:* Linweave, Inc.

e. *Name of Project:* Gill Mill (D Wheel).

f. *Location:* On the second level canal of the Holyoke Water Power Company on the Connecticut River, Hamden County, Massachusetts.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:*

Mr. Robert Belsky, Linweave, Inc., 10 Linweave Drive, Holyoke, MA 01040, (413) 536–6410.

i. *FERC Contact:* Michael Dees (202) 376–9414.

j. *Comment Date:* May 25, 1989.

k. *Description of Project:* The existing project consists of: (1) A gated intake with submerged trashracks located on the second level canal of the Holyoke Water Power Company; (2) a 12-foot-diameter penstock 295 feet long; (3) an existing 450-kW generating unit located within the Gill Mill building; (4) two parallel 7-foot-wide by 10-foot-high arched brick-lined tailrace tunnels extending from the draft tube to an existing outlet structure; (5) a concrete gated outlet structure where tailwater empties into a channel that leads to the Connecticut River; (6) a 13.8-kV transmission line 660 feet long that connects the project to an existing transmission line; and (7) appurtenant facilities.

The applicant estimated from historical generation that the average annual energy generation will be 1,790 MWh. The applicant is the sole owner of the existing facilities and has no plans to modify the existing facilities or operation.

The existing project is not subject to Federal takeover because in the original license section 15 of the FPA was waived only insofar as it relates to Federal takeover.

1. This notice also consists of the following standard paragraphs: B, C, D1.

7 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 2969–005.

c. *Date filed:* February 1, 1989.

d. *Applicant:* Borough of Weatherly.

e. *Name of Project:* Francis E. Walter.

f. *Location:* At the U.S. Army Corps of Engineers' Francis E. Walter Dam and Reservoir on the Lehigh River in Lucerne and Carbon Counties, Pennsylvania.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:*

Mr. James P. Palumbo, Utility Engineers Division, Quad Three Group, Inc., 37 North Washington Street, Wilkes-Barre, PA 18701, (717) 829–4200.

i. *FERC Contact:* Michael Dees (202) 376–9414.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The proposed run-of-river project would utilize the U.S. Army Corps of Engineers' Francis E. Walter Dam and Reservoir as proposed to be modified and authorized by Congress and would consist of: (1) new trashracks at the existing intake structure; (2) a new 10-foot-diameter and 500-foot-long steel penstock; (3) a new powerhouse with turbine-generator units with a total installed capacity of 10,310 Kw; (4) a new 67-foot-wide and 250-foot-long tailrace; (5) a new 7.5-mile-long transmission line; and (6) other appurtenances. Applicant estimates an average annual generation of 56,700,000 kWh and that studies under the permit

will cost $35,000. Project energy would be sold to the Pennsylvania Power and Light Company.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

8 a. *Type of Application:* Transfer of License.

b. *Project No.:* 4900–011.

c. *Date filed:* February 1, 1989.

d. *Applicant:* Trafalgar Power Inc. (licensee), Trafalgar Power Limited Partnership (transferee).

e. *Name of Project:* Forestport.

f. *Location:* On the Black River, Oneida County, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:*

John M. Cutler, Jr., McCarthy, Sweeney & Harkaway, P.C., 1750 Pennsylvania Avenue, NW., Washington, DC 20006, (202) 393–5710.

i. *FERC Contact:* Michael Dees (202) 376–9414.

j. *Comment Date:* May 24,1989.

k. *Description of Project:* On February 1, 1989, Trafalgar Power Inc. and Trafalgar Power Limited Partnership filed a joint application for transfer of the license for the Forestport Project No. 4900. The proposed transfer will not result in any change in the project. The transferee states that it will comply with all terms and conditions of the license. The purpose of the transfer is to facilitate the financing of project operations.

The existing licensee has not adequately complied with all of the terms and conditions of its license. A notice of proposed penalty was issued on February 23, 1989, which proposed a penalty of $20,000. Transfer of the license, if granted, will not relieve the licensee or its successors from responsibility for any penalty established by the Commission.

1. This notice also consists of the following standard paragraphs: B and C.

9 a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 10375–001.

c. *Date filed:* January 31, 1989.

d. *Applicant:* Weber Basin Water Conservancy District.

e. *Name of Project:* Drought Relief Pipeline Hydro Project.

f. *Location:* On the Weber River in Weber County, Utah.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:*

Ivan W. Flint, Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, UT 84040, (801) 771–1677.

i. *FERC Contact:* Nanzo T.Coley (202) 376–9416.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The proposed project would consist of a 560 kW generating unit installed in the existing pumping station and appurtenant facilities. The estimated average annual energy output for the project is 1,680,000 kWh.

l. *Purpose of Project:* Energy produced at the project would be used to replace the energy purchased from Utah Power and Light Company to operate the pumping station.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

10 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10716–000.

c. *Date filed:* January 3, 1989.

d. *Applicant:* Rankin Associates.

e. *Name of Project:* Oregon Water Power Project.

f. *Location:* On the Rock River in Ogle County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:*

Ronald A. Rankin, Rankin and Associates, 1124A Bunker Hill Drive, Wheaton, IL 60187, (312) 665–5464.

i. *FERC Contact:* Mary Nowak (202) 376–9634.

j. *Comment Date:* May 25, 1989

k. *Competing Application:* Project No. 10724.

Date Filed: January 30, 1989.

l. *Description of Project:* The proposed project would consist of the following facilities: (1) An existing rock-filled dam 876 feet long, 25 feet wide and 12 feet high; (2) a small reservoir; (3) a rehabilitated powerhouse containing three turbogenerators at a total installed capacity of 1,050 kW; (4) a proposed 12,000-volt transmission line approximately 500 feet; and (5) appurtenant facilities. The existing dam and powerhouse foundation are owned jointly by the Illinois Department of Conservation and the City of Oregon, Illinois. The applicant estimates that the average annual generation is 8,500,000 kWh. The applicant estimates that the cost of the studies under permit is $20,000.

m. This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.

11 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10723–000 .

c. *Date Filed:* January 27, 1989.

d. *Applicant:* Aquatic Research Corporation.

e. *Name of Project:* Collinsville Project.

f. *Location:* On the Farmington River in Hartford County, Connecticut.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:*

Ms. Leslie A. Robinson, Aquatic Research Corporation, 36 Wickham's Fancy, Collinsville, CT 06022 (203) 693–6569.

i. *FERC Contact:* Robert Bell (202) 376–9237.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The proposed project would consist of the following two developments: Upper Collinsville Dam development consisting of: (1) An existing 325-foot-long, 18-foot-high concrete gravity dam; (2) an existing reservoir having a 55-acre surface area with negligible storage capacity; (3) an existing intake; (4) an existing 200-footlong canal; (5) an existing refurbished powerhouse containing 2 generating units with a total installed capacity of 6000 kW; (6) an existing tailrace; (7) a proposed transmission line; and (8) appurtenant facilities.

Lower Collinsville Dam development consisting of: (1) an existing 350-foot-long, 20-foot-high concrete gravity dam; (2) an existing reservoir having a 32-acre surface area with negligible storage capacity; (3) an existing intake; (4) an existing 680-foot-long canal; (5) an existing refurbished powerhouse containing 2 generating units having a total installed capacity of 1,000 kW; (6) an existing tailrace; (7) a proposed transmission line; (8) appurtenant facilities.

The applicant estimates the average annual generation would be 9,942,800 kWh. The dam and project facilities are owned by the State of Connecticut.

l. *Purpose of Project:* All project energy generated would be a local utility.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

12 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10730–000.

c. *Date filed:* February 14, 1989.

d. *Applicant:* Rock River Power and Light Corporation.

e. *Name of Project:* Little Falls Dam Hydro Project.

f. *Location:* On the Willow River in St. Croix County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Mr. Thomas Reiss, P.O. Box 553,

Watertown, WI 53094, (414) 261–5786.

i. *FERC Contact:* Ed Lee (202) 376–5786.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The proposed project would consist of: (1) An existing 311-foot-long and 30-foot-high concrete dam; (2) an existing 185-acre reservoir with a maximum storage of 1,700 acre-feet at pool elevation 744 U.S.G.S.; (3) a powerhouse which is integral to the dam and containing a single 600-kW generating unit; (4) a new 1.25-mile-long, 125-kV transmission line, and (5) appurtenant facilities. The applicant estimates that the average annual generation would be 2.7 GWh. The cost of the work to be performed under the permit by the applicant would be $25,000. The existing dam is owned by the Wisconsin Department of Natural Resources, 4610 University Avenue, Madison, WI 53711.

l. *Purpose of Project:* The applicant anticipates that the power generated will be sold to a nearby utility company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

13 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10736–000.

c. *Date filed:* February 17, 1989.

d. *Applicant:* Schmidt Industries, Inc.

e. *Name of Project:* Ceresco Dam Hydro Project.

f. *Location:* On the Kalamazoo River in Calhoun County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:*

Mr. David A. Schmidt, 3290 Patterson Road, Bay City, MI 48706, (517) 684–3216.

i. *FERC Contact:* Ed Lee (202) 376–5786.

j. *Comment Date:* May 25, 1989.

k. *Description of Project:* The proposed project would consist of: (1) An existing 183-foot-long and 16-foot-high concrete dam; (2) an existing reservoir with a storage capacity of 3,500 acre-feet; (3) a new powerhouse integral with the dam and housing a single 1.5-MW generating unit; (4) a short new 12-kV transmission line; and (5) appurtenant facilities. The applicant estimates that the average annual generation would be 3.5 GWh. The cost of the work and studies to be performed under the permit would be $17,000. The existing dam is owned by the applicant.

l. *Purpose of Project:* The applicant estimates that the power generated will be sold to Consumers Power Company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2

14 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10738–000.

c. *Date Filed:* February 24, 1989.

d. *Applicant:* Coralville Hydro Associates.

e. *Name of Project:* Coralville Dam Project.

f. *Location:* On the Iowa River in Johnson County, Iowa.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Mr. Dominique Darne, 1900 L Street, NW, Suite 608, Washington, DC 20036, (202) 775–4692.

i. *FERC Contact:* Ed Lee (202) 376–5786.

j. *Comment Date:* May 25, 1989.

k. *Description of Project:* The proposed project would utilize the existing US Army Corps of Engineers Coralville Dam and Lake and would consist of: (1) A proposed 600-foot-long and 18-foot-diameter diversion tunnel from the left abutment of the dam leading to a new powerhouse that will house three 4-MW generating units for a total installed capacity of 12 MW; (2) a new tailrace; (3) a short new 13.8-kV transmission line; and (4) appurtenant facilities. The applicant estimates the average annual generation to be 52.6 MWh. The cost of the work and studies to be performed under the permit would be $150,000.

l. *Purpose of Project:* The applicant intends to sell the project generation to a local utility or power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

15 a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 10739–000.

c. *Date Filed:* February 24, 1989.

d. *Applicant:* Casitas Municipal Water District.

e. *Name of Project:* Lake Casitas Water Power Project.

f. *Location:* On Lake Casitas in Ventura County, California.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a) 825(r).

h. *Applicant Contact:*

Norman A. Pederson, Michelle Phillips, Jones, Day, Reavis and Pogue, 1450 G St., NW., Washington, DC 20005–2088.

i. *Commission Contact:* Nanzo T. Coley, (202) 376–9416.

j. *Comment Date:* May 22, 1989.

k. *Competing application:* Project No. 10656–000, Comment Date: January 27, 1989.

l. *Description of Project:* The applicant would utilize an existing dam under the jurisdiction of the Bureau of Reclamation. The proposed project would consist of a proposed powerhouse containing two generating units with a total rated capacity of 1,100 kw and appurtenant facilities. Water for the project would be taken from the dam's existing outlet works before entering the proposed water treatment plant. The estimated average annual energy output for the project is 3,400,000 kwh. The applicant estimates that the cost of the work to be performed under the preliminary permit is $120,000.

m. *Purpose of Project:* Energy produced at the project would be utilized by the applicant to operate its water treatment plant and pumping station.

n. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

16 a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 10742–000.

c. *Date Filed:* March 8, 1989.

d. *Applicant:* Mesa Consolidated Water District.

e. *Name of Project:* Mesa Hydroelectric Project.

f. *Location:* At 1965 Placentia Avenue, on the water distribution system of the city of Costa Mesa in Orange County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 823(a).

h. *Applicant Contact:*

Beth A. Calcaterra, 4140 Norse Way, Long Beach, CA 90808, (213) 425–1233.

i. *FERC Contact:* Ms. Julie Bernt, (202) 376–1936.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The proposed project would utilize the flow from a new ten million gallon reservoir being built to provide enhanced service to the Water District's customers and would consist of 2 generating units, each with a rated capacity of 25 kW, located in the pump house. The average annual energy production would be 95,000 kWh.

l. *Purpose of Project:* Project power would be sold to the local power company.

m. This notice also consists of the following standard paragraphs: A3, A9, B, C and D3b.

17 a. *Type of Filing:* Preliminary Permit.

b. *Project No.:* 10704–000.

c. *Date Filed:* December 9, 1988.

d. *Applicant:* Pacific Water & Power, Inc.

e. *Name of Project:* Carquinez Dam Power Project.

f. *Location:* On the Carquinez Strait near the cities of Vallejo, Richmond, and Martinez, in Solano and Contra Costa Counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) 825(r).

h. *Applicant Contact:*

Robert R. Doelle, 701 Welch Road, Suite 1119, Stanford, CA 95304, (415) 853–5646.

i. *FERC Contact:* Thomas Dean, (202) 376–9562.

j. *Comment Date:* May 30, 1989.

k. *Description of Project:* The proposed project would consist of: (1) A 120-foot-high diversion dam with a spillway elevation of 22 feet msl; (2) a 40,000-acre reservoir; (3) a powerhouse containing two to four generating units with a combined capacity of 50.7 MW; and (4) a 2,000- to 4,500-foot-long, 8,400-kVA transmission line.

The applicant estimates the average annual energy production at 150 GWh.

The approximate cost of the studies under the permit would be $350,000.

l. *Purpose of Project:* Applicant intends to sell project power to Pacific Gas & Electric Company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

18 a. *Type of Filing:* Transfer of License.

b. *Project No.:* 8909–005.

c. *Date Filed:* March 8, 1989.

d. *Applicant:* Idaho Renewable Resources, Bonneville Pacific Corporation, and Big Wood Canal Company.

e. *Name of Project:* Dietrich Drop.

f. *Location:* On the Milner Gooding Canal in Lincoln County, Idaho.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicants Contacts:*

Idaho Renewable Resources.

McNeill Watkins II, Esq., Bishop, Cook, Purcell & Reynolds, 1400 L Street, NW., Washington, DC 20005, (202) 371–5785.

Bonneville Pacific Corporation.

Mark E. Rinehart, Esq., Bonneville Pacific Corporation, Suite 800, 257 East 200 South, Salt Lake City, Utah 84111, (801) 363–2520.

Big Wood Canal Company.

Cecil Hobdey, Esq., Hobdey & Hobdey, 125 Fifth Avenue West, P.O. Box 176, Gooding, Idaho 83330, (208) 934–4429.

i. *Commission Contact:* Mr. William Roy-Harrison, (202) 376–9830.

j. *Comment Date:* May 15, 1989.

k. *Description of Project:* The applicants seek to delete Idaho Renewable Resources as a licensee since Bonneville Pacific Corporation has acquired Idaho Renewable Resources. Therefore, the licensees would remain Bonneville Pacific Corporation and Big Wood Canal Company.

l. This notice also consists of the following standard paragraphs: B and C.

19 a. *Type of Application:* Preliminary Permit.

b. *Project. No.:* 10725–000.

c. *Date Filed:* February 1, 1989.

d. *Applicant:* Little Horn Energy Wyoming, Inc.

e. *Name of Project:* Little Horn Pumped Storage.

f. *Location:* On Dry Fork of the Little Big Horn River within the Bighorn National Forest in T57N, R89W: Sixth Principal Meridian, near Sheridan in Sheridan County, Wyoming.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Contact Person:*

Larry D. Baccari, P.O. Box 6208, Sheridan, WY 82801, (307) 672–5885.

i. *FERC Contact:* Ms. Julie Bernt, (202) 376–1936.

j. *Comment Date:* May 24, 1989.

k. *Description of Project:* The proposed pump-storage project would consist of: (1) A 300-foot-high, 1,000-foot-long zoned rockfill dam impounding the Dry Fork Reservoir at surface elevation 6,400 feet; (2) Dry Fork powerhouse at the foot of the dam containing one generating unit rated at 1,000 kW and having the capability to pump water up to Ridge Reservoir during times of low energy demand; (3) a 5,200-foot-long Dry Fork to Ridge Reservoir conduit., (4) Ridge Reservoir, impounded at surface elevation 8,456 feet by a 160-foot-high, 8,100-foot-long rockfill dam; (5) a 6,200-foot-long penstock from Ridge Reservoir to West Pass powerhouse; (6) West Pass powerhouse containing one generating unit rated at 10.1 MW; (7) a 7,400-foot-long penstock from West Pass powerhouse to Taffner powerhouse; (8) Taffner powerhouse containing one generating unit rated at 20 MW; (9) a 42,000-foot-long conduit from Taffner powerhouse to Parkman Reservoir; (10) Parkman Reservoir impounded at surface elevation 4,405 feet by a 150-foot-high, 3,250-foot-long zoned earthfill dam; (11) a 400-foot-long penstock to Parkman powerhouse; (12) Parkman powerhouse containing one generating unit rated at 7 MW; and (13) approximately 95 miles of new transmission line. Applicant estimates the average annual energy production to be 380 GWh and the cost of the work to be performed under the preliminary permit to be $4,500,000.

l. *Purpose of Project:* The power produced will be sold to local power companies.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

20 a. *Type of Application:* Declaration of Intention.

b. *Project No.:* EL88–36–001.

c. *Date Filed:* December 30, 1988 (Amended).

d. *Applicant:* Patrick O. Clemans.

e. *Name of Project:* Ashley Creek Hydro.

f. *Location:* Ashley Creek in Lake County, near Polson, Montana.

g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:*

Patrick O. Clemans, P.O. Box 173, Homer, AK 99603, 907–235–7259.

i. *FERC Contact:* Etta Foster, (202) 376–9064.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The proposed project would consist of: (1) A proposed stream diversion works consisting of Gabion weirs, settling basin, power canal and forebay; (2) a small pool at an elevation of 3800 feet m.s.l. of negligible size and storage capacity; (3) an inlet with trash racks; (4) a 12-inch-diameter, 3000-foot-long penstock; (5) a powerhouse containing 1 or 2 turbines with a total installed capacity of 99 kilowatts (kW) or less; (6) a 300-foot-long transmission line; and (7) appurtenant facilities. The applicant requests that the Commission investigate and determine whether the proposed project is subject to licensing pursuant to section 23(b) of the Federal Power Act.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project would: (1) Be located on a navigable waterway; (2) occupy or affect public lands or reservations of the United States; (3) utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Purpose of Project:* Applicant intends to sell excess power to Montana Power Company.

m. This notice also consists of the following standard paragraphs: B, C, and D2.

21 a. *Type of Application:* Change in Land Rights.

b. *Project No.:* 2599–002.

c. *Date Filed:* March 9, 1989.

d. *Applicant:* Consumers Power Company.

e. *Name of Project:* Hodenpyl.

f. *Location:* Manistee River in Manistee County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:*

Mr. T. A. McNish, Secretary, Consumers Power Company, 212 West Michigan Avenue, Jackson, MI 49201, (517) 788–1030.

i. *FERC Contact:* Brian Romanek, (202) 376–9042.

j. *Comment Date:* May 22, 1989.

k. *Description of Project:* The Consumers Power Company, license for the Hodenpyl Project, requests Commission authorization to transfer about 106 acres of project land located in Wexford County to the United States Forest Service (FS). The FS intends to add this land to the adjoining Manistee National Forest. Acquisition of this land would provide additional canoeing and fishing access points to the river. The land is also considered to be some of the last undeveloped recreation lands in Lower Michigan and is a sensitive wildlife habitat area. The licensee states that the lands would best be managed by the FS for recreational purposes (a copy of the application may be obtained by interested parties directly from the licensee).

l. This notice also consists of the following standard paragraphs: B, C, and D2.

Standard Paragraphs:

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426. An additional copy must be sent to Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, Room 203–RB, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. Agency Comments—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway

affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural or other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in Section 313(b) of the Federal Power Act, 16 U.S.C. Section 8251(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be sent to the Applicant's representatives.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtain by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are required, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, state and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Agency Comments—The Commission requests that the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agenc(ies), for the purposes set forth in Section 408 of the Energy Security Act of 1980, file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, state and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 18, 1989, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9702 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP89-1202-000 et al.]

Williams Natural Gas Company et al.; Natural Gas Certificate Filings

April 17, 1989.

Take notice that the following filings have been made with the Commission:

1. Williams Natural Gas Company

[Docket No. CP89-1202-000]

Take notice that on April 12, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89-1202—000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon by reclaim measuring, regulating and appurtenant facilities serving Midwest Corporate Aviation, Inc. (Midwest), airport facilities in Sedgwick County, Kansas, and to abandon the transportation of gas through the facilities under WNG's blanket authorization issued in Docket No. CP82-479-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG states that Midwest has requested that the facilities be reclaimed. It is stated that the total cost of the abandonment would be $285 with an estimated salvage value of $0.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. Arkla Energy Resources a Division of Arkla, Inc.

[Docket No. CP89-1135- 000]

Take notice that on April 3, 1989, Arkla Energy Resources, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP89-1135-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Arkla to construct and operate approximately 100 miles of pipeline and pipeline looping and 23,640 horsepower (hp) of compression in the states of Arkansas and Oklahoma which would enable Arkla to transport on a firm basis up to 350,000 Mcf of natural gas per day between the pipeline facilities of Natural Gas Pipeline Company of America (NGPL) in central Oklahoma and NGPL's pipeline facilities in southern Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Arkla requests authority to construct, install, and operate the following facilities:

(1) 22.6 miles of 30-inch pipeline, extending from a point on the Oklahoma Extension of NGPL's Amarillo Line in Comanche County, Oklahoma to Arkla's Line AD in Grady County, Oklahoma, and related interconnection facilities;

(2) 6,750 hp of compressor facilities at the interconnection of such new pipeline facilities and Line AD at Arkla's new Chickasha Compressor Station;

(3) 50.2 miles of 30-inch pipeline looping of Arkla's Line 0 and 0–10–0 in LeFlore County, Oklahoma and Sebastian County, Arkansas, west of Arkla's existing Dunn Compressor Station (Dunn Station);

(4) 8,000 hp of compressor facilities at Arkla's Dunn Station in Logan County, Arkansas;

(5) 4,500 hp of compressor facilities on Arkla's Line J in Conway County, Arkansas at Arkla's new Round Mountain Compressor Station;

(6) 12.0 miles of 30-inch pipeline looping of Arkla's Lines BT–1 and BT–1A, beginning at the discharge side of Arkla's Dunn Station;

(7) 4,390 hp of compressor facilities at Arkla's existing Chambers Compressor Station (Chambers Station) in Yell County, Arkansas;

(8) 16.3 miles of 30-inch pipeline looping of Arkla's Lines BT–1 and BT–1A, beginning at the point of discharge from Arkla's Chambers Station;

(9) 8.7 miles of 20-inch pipeline looping of Arkla's Line S from the Perla Regulating Station to a point of interconnection with a 2.5-mile, 24-inch pipeline connecting Arkla's Line S to the suction side of NGPL's Compressor Station No. 306 on NGPL's Gulf Coast Line in Hot Spring County, Arkansas; and;

(10) any appurtenant facilities associated with the facilities detailed above.

Arkla also requests authority under Section 7(c) of the Natural Gas Act to continue the operation of the 2.5-mile, 24-inch pipeline described in (9) above and which pipeline Arkla will construct in 1989 pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and will operate for the purpose of transporting natural gas from NGPL's Gulf Coast Line. Finally, Arkla seeks authority for rolled-in rate treatment of all such facilities.

Arkla states that it is under a continuing obligation to provide service to its customers at the lowest reasonable cost. Arkla states that it has an affirmative duty to pursue new market opportunities, when reasonably available to the Arkla system, which would result in benefits to its customers. Recognizing that obligation, Arkla states that it has reviewed NGPL's proposal in Docket No. CP88–708–000 and determined that Arkla can provide the service NGPL requires in a way that is beneficial both to Arkla's customers and those of NGPL. Arkla asserts that, with capital expenditures somewhat less than NGPL proposes, it can provide the 350,000 Mcf per day of firm transportation capacity sought by NGPL, secure for NGPL the benefits promised in NGPL's application, and do so at lower rates and operating costs than those resulting from the NGPL proposal. Equally, if not more important, Arkla notes that its existing customers will also benefit through a substantial reduction in the sales and transportation rates they otherwise would pay. Arkla projects a savings to its transportation customers of between 1.2 cents per MMBtu to 6.0 cents per MMBtu of gas transported, depending on the type of service such customers receive and whether they provide their own fuel. Arkla asserts that sales rate reductions would be greater than the projected transportation rate savings. Finally, Arkla insists that its proposal is more flexible then NGPL's, offering near-term opportunities for firm transportation and the ability to tailor system expansion to the transportation volume actually available on the NGPL system.

Comment date: May 8, 1989, in accordance with Standard Paragraph F at the end of this notice.

Natural Gas Pipeline Company of America

[Docket No. CP89–1198–000]

Take notice that on April 12, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89–1198–000 a request pursuant to Section 157.205 of the Commission's Regulations for authorization to transport natural gas on behalf of Texaco Gas Marketing, Inc. (Texaco), a marketer of natural gas, under Natural's blanket certificate issued in Docket No. CP86–582–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural proposes to transport on an interruptible basis up to 200,000 MMBtu of natural gas on a peak day plus excess volumes pursuant to the overrun provisions of its Rate Schedule ITS, 20,000 MMBtu on an average day and 7,300,000 MMBtu on an annual basis for Texaco. It is stated that Natural would receive the gas for Texaco's account at existing receipt points in Texas, offshore Texas, Oklahoma, New Mexico, Kansas, Louisiana and offshore Louisiana, and would deliver equivalent volumes at existing points on Natural's system in Oklahoma, Louisiana, New Mexico, Texas, Iowa, Kansas and Illinois. It is asserted that the transportation service would be effected using existing facilities and would require no construction of additional facilities. It is explained that the transportation service commenced February 17, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST89–2994.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

El Paso Natural Gas Company

[Docket No. CP89–1200–000]

Take notice that on April 12, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP89–1200–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act to install a meter station, to be located in McKinley County, New Mexico, in order to permit the delivery of natural gas to the Navajo Tribal Utility Authority (NTUA), within the certificated entitlements of that customer, for resale to customers located in the Coyote Canyon Community area, in McKinley County, New Mexico, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso states that by order issued September 18, 1953 at Docket No. G–2206, the Commission granted El Paso certificated authorization for, *inter alia*, the construction and operation of certain facilities and the sale and delivery of natural gas to the NTUA in various communities located in the States of New Mexico and Arizona. El Paso further states that it presently provides natural gas service to the NTUA in accordance with the terms and conditions of the currently effective service agreement between El Paso and NTUA dated February 19, 1985, as amended.

El Paso also states that it has received a written request from the NTUA for additional natural gas service to be provided at a point on El Paso's existing 24" O.D. San Juan Line and 30" O.D. San Juan second Loop Line in McKinley County, New Mexico. El Paso has been advised by the NTUA that the requested quantities of natural gas would be utilized to serve residential natural gas requirements in the Coyote Canyon

Community area located in McKinley County, New Mexico. Initial deliveries of natural gas are requested to begin June 1, 1989, it is stated.

In order to accommodate the NTUA's request, El Paso proposes to install one (1) sales meter station consisting of a 1" O.D. tap and valve assembly, and one (1) American 80B positive displacement meter, with appurtenances, on El Paso's existing 24" O.D. San Juan Line and 30" O.D. San Juan second Loop Line in McKinley County, New Mexico. El Paso states that the estimated cost of the sales meter station is $9,698. The volumes of natural gas to be sold to the NTUA at the proposed meter station would be under Rate Schedule ABD–S–NM of El Paso's Volume No. 1 Tariff, it is stated. El Paso is advised that the NTUA would install a pipeline and regulation connecting to El Paso's proposed facilities for ultimate distribution of the requested quantities of natural gas for residential use. El Paso states that NTUA has projected that the estimated annual and maximum peak day delivery requirements of the Coyote Canyon Community area during the third full year of service would be 16,818 Mcf of natural gas per year and 170 Mcf of natural gas per day, respectively.

El Paso states that the additional quantities of natural gas to be delivered would be sold by El Paso to the NTUA for resale in the Coyote Canyon area in order to accommodate projected Priority 1 requirements. El Paso further states that the anticipated Priority 1 load growth, which has precipitated the NTUA's request for natural gas service described herein, would not alter the NTUA's entitlements under El Paso's Permanent Allocation Plan.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

El Paso Natural Gas Company

[Docket No. CP89–1206–000]

Take notice that on April 13, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed a request for authorization at Docket No. CP89–1206–000, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations Under the Natural Gas Act, to provide interruptible transportation service for Gulf Gas Utilities Company (Shipper), under its blanket certificate issued at Docket No. CP88–433–000, all as more fully set forth in the request for authorization on file with the Commission and open for public inspection.

El Paso requests authority to transport up to 106 MMBtu of natural gas per day for Shipper from any point of receipt on El Paso's system to a point of delivery located in the State of New Mexico. El Paso states that the estimated daily and annual quantities would be 58 MMBtu and 21,170 MMBtu, respectively. El Paso states that transportation service under § 284.223(a) commenced on December 23, 1988, as reported at Docket No. ST89–2850–000. El Paso further states that the instant prior notice request is being filed untimely and the self-implementing transportation portion of this service will expire before the end of the 45-day comment period for the prior notice request. Therefore, El Paso respectfully requests that the Commission waive its regulation by extending the 120-day limit in § 284.223.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Northern Natural Gas Company

[Docket No. CP89–1196–000]

Take notice that on April 11, 1989, Northern Natural Gas Company, Division of Enron Corp., (Northern) 1400 Smith Street, Houston, Texas 77251, filed in Docket No. CP89–1196–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas under its blanket authorization issued in Docket No. CP86–435–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to transport natural gas on an interruptible basis for American Central Gas Marketing Company. Northern explains that the service commenced under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–2936. Northern proposes to transport on a peak day up to 75,000 MMBtu; on an average day up to 100,000 MMBtu; and on an annual basis up to 36,500,000 MMBtu. Northern proposes to receive and deliver the gas at various points in Texas, Kansas, Oklahoma and New Mexico.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. United Gas Pipe Line Company

[Docket No. CP89–1142–000]

Take notice that on April 5, 1989, United Gas Pipe Line Company (United, P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket Nol. CP89–1142–000, an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale approximately 850 feet of 20-inch pipeline situated in San Jacinto County and Polk County, Texas, all as more fully set forth in the application which is on file with the commission and open to public inspection.

United proposes to abandon the 850 feet of pipe which crosses the Trinity River, for sale to United Texas Transmission Company (UTTCO). United states that this request is the result of a bill of sale executed on June 30, 1987, between United and (UTTCO), that had been inadvertently overlooked. United indicates that unusual administrative burdens delayed its seeking approval to abandon the pipeline, and that, a review of its files recently revealed that United had not sought the necessary abandonment authorization. As a result, United requests retroactive abandonment effective, June 30, 1987. United avers it is proposing to abandon these facilities in place.

The Trinity River crossing was certified in Docket No. G–1447 and constructed in 1952.

Comment date: May 8, 1989, in accordance with Standard Paragraph F at the end of this notice.

8. ANR Pipeline Company

[Docket No. CP89–1183–000]

Take notice that on April 10, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP89–1183–000 a request, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR I57.205), for authorization to provide a transportation service for Fuel Service Group (FSG), a gas marketer, under ANR's blanket certificate issued in Docket No. CP88–532–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission.

ANR states that, pursuant to a transportation agreement executed March 7, 1989, it proposes to transport up 1,000 MMBtu of natural gas per day for FSG on an interruptible basis. ANR states that it would receive the gas at existing points of receipt in its Louisiana, Oklahoma, offshore Louisiana and offshore Texas gathering area and redeliver the gas to Wisconsin Gas Company, for the account of FSG, at existing points of interconnection located in the State of Wisconsin. FSG expects to have the full 1,000 MMBtu transported on an average day and based thereon, anticipates transporting 365,000 MMBtu annually. ANR advises that the service commenced on March 8, 1989, as reported in Docket No. ST89–

2881–000, under § 284.223(a) of the Commission's Regulations.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. United Gas Pipe Line Company

[Docket No. CP89–1201–000]

Take notice that on April 12, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–1201–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service on behalf of AMPRO Fisheries (AMPRO), an end user, under its blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that it proposes to transport natural gas on behalf of AMPRO from a point of receipt located in Louisiana to a point of delivery located in Mississippi.

United further states that the maximum daily, average daily and annual quantities that it would transport on behalf of AMPRO would be 3,296 MMBtu equivalent, 3,296 MMBtu equivalent and 1,203,040 MMBtu equivalent of natural gas, respectively.

United indicates that in Docket No. ST89–2735, filed with the Commission on March 20, 1989, it reported that transportation service for AMPRO had begun under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Williston Basin Interstate Pipeline Company

[Docket No. CP89–1118–000]

Take notice that on March 31, 1989, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP89–1118–000 an application, pursuant to Section 7(c) of the Natural Gas Act (NGA) and § 284.221 of the Commission's Regulations, for a blanket certificate of public convenience and necessity authorizing open-access transportation service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Williston Basin also requests, pursuant to section 7(b) of the NGA, pre-granted abandonment authority (1) with respect to its sales obligations, to the extent that its sales customers elect to convert their firm sales entitlements to firm transportation and (2) with respect to transportation agreements entered into under its blanket certificate as such transportation agreements expire.

Williston Basin states that it will perform transportation services under the terms and conditions of the Commission's Order No. 500, *et al.* and that it will comply with Subpart A of Part 284 of the Commission's Regulations.

Williston Basin further states that it is currently providing Natural Gas Policy Act (NGPA) Section 311 transportation service under its FERC Gas Tariff Original Volume No. 1–B filed June 24, 1988 in Docket No. RP88–197–000 and that it will offer both firm and interruptible transportation service under Subpart B and G of the Commission's Regulations under Rate Schedules FT–1 and IT–1 contained therein, as amended.

Comment date: May 8, 1989, in accordance with Standard Paragraph F at the end of this notice.

11. Southern Natural Gas Company

[Docket No. CP89–1164–000]

Take notice that on April 6, 1989, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202–2563 filed in Docket No. CP89–1164–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on an interruptible basis for National Energy Systems, Inc. (National) under the blanket certificate issued in Docket No. CP88–316–000 under section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that pursuant to a Transportation Agreement dated February 20, 1989, it proposes to transport up to 600 MMBtu per day of natural gas for National under Rate Schedule IT, for a primary term of one month with successive terms of one month thereafter unless cancelled by either party.

Southern also states that the maximum day, average day and annual transportation volumes would be approximately 600 MMBtu, 600 MMBtu and 219,000 MMBtu, respectively. Southern proposes to receive the gas at the various receipt points in offshore Texas, offshore Louisiana, Texas, Louisiana, Mississippi and Alabama for delivery to various points in Georgia.

Southern further states it commenced their service March 1, 1989, as reported in Docket No. ST89–2699–000.

Comment date: June 1, 1989 in accordance with Standard Paragraph G at the end of the notice.

12. ANR Pipeline Company

[Docket No. CP89–1184–000]

Take notice that on April 10, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP89–1184–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Coastal Gas Marketing Co. (Coastal), a marketer of natural gas, under its blanket certificate issued in Docket No. CP88–532–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

ANR states that it would receive the gas at existing points of receipt in ANR's offshore Texas gathering area and would redeliver the gas for the account of Coastal at existing interconnections located in the offshore Texas area.

ANR further states that the maximum daily, average daily and annual quantities that it would transport for Coastal would be 100,000 dt equivalent of natural gas, 100,000 dt equivalent of natural gas and 36,500,000 dt equivalent of natural gas, respectively.

ANR indicates that in a filing made with the Commission in Docket No. ST89–2880, it reported that transportation service for Coastal commenced on March 1, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

13. ANR Pipeline Company

[Docket No. CP89–1180–000]

Take notice that on April 10, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP89–1180–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under the blanket certificate issued in Docket No. CP88–532–000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

ANR proposes to transport gas on an interruptible basis for Enron Gas Marketing, Inc. (Enron). ANR explains

that service commenced March 1, 1989 under section 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–2885–000. ANR further explains that the peak day quantity would be 200,000 dekatherms, the average daily quantity would be 200,000 dekatherms, and that the annual quantity would be 73,000,000 dekatherms. ANR explains that it would receive natural gas at ANR's Kansas, Louisiana, Oklahoma, Texas, offshore Louisiana and offshore Texas gathering areas and redeliver the gas at existing interconnections located in the State of Louisiana.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

14. ANR Pipeline Company

[Docket No. CP89–1182–000]

Take notice that on April 10, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP89–1182–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas on behalf of Koch Hydrocarbon, Inc. (Koch), a marketer of natural gas, under ANR's blanket certificate issued in Docket No. CP88–532–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

ANR proposes to transport on an interruptible basis up to 300,000 dt equivalent on a peak day for Koch, 300,000 dt equivalent on an average day and 109,500,000 dt equivalent on an annual basis for Koch. It is stated that ANR would receive the gas at designated points on ANR's system in Oklahoma, Kansas, Texas, Louisiana, offshore Louisiana and offshore Texas, and would deliver equivalent volumes at designated points on ANR's system in Kentucky, Indiana, Ohio, Missouri, Iowa, Tennessee, Kansas, Wisconsin and Illinois. It is asserted that the transportation would be effected using existing facilities and that no construction of additional facilities would be required. It is explained that the transportation service commenced March 1, 1989, under the self-implementing authorization of Section 284.223 of the Commission's Regulation, as reported in Docket No. ST89–2874.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

15. Northern Natural Gas Company Division of Enron Corporation

[Docket No. CP89–1197–000]

Take notice that on April 11, 1989, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP89–1197–000, a prior notice request pursuant to Sections 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Meridian Oil Trading Inc. (Meridian), a marketer of natural gas, under the certificate issued in Docket No. CP86–435–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern requests authorization to transport up to 150,000 MMBtu of natural gas per day, pursuant to a March 2, 1989, agreement between Northern and Meridian from receipt points located in New Mexico, Oklahoma and Texas to delivery points located in Illinois, Iowa, Kansas, New Mexico, Oklahoma and Texas. Northern would provide the service to Meridian under the provisions of its Rate Schedule IT–1, it is indicated. Northern further states that the average and annual quantities would be 133,330 MMBtu and 54,750,000 MMBtu, respectively.

Northern states that the transportation of natural gas for Meridian commenced March 2, 1989, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations as reported in Docket No. ST89–2889–000.

Comment date: June 1, 1989, in accordance with Standard Paragraph G at the end of this notice.

16. Texas Gas Transmission Corporation

[Docket No. CP89–1189–000]

Take notice that on April 11, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–1189–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Beech-Nut Nutrition Corporation (Beech-Nut), under Texas Gas' blanket certificate issued in Docket No. CP88–686–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated November 21, 1988, Texas Gas requests authorization to transport up to 4,350 MMBtu of natural gas per day for Beech-Nut. Texas Gas states that the agreement provides for it to receive the gas at various existing points of receipt along its system and deliver the gas to an existing point of delivery located in Warren County, Ohio. Beech-Nut estimates that the average day and annual transportation quantities would be 1,489 MMBtu and 543,638 MMBtu, respectively. Texas Gas advises that the service commenced March 1, 1989, as reported in Docket No. ST89–2579–000, under § 284.223(a) of the Commission's Regulations.

Comment date: June 1, 1989 in accordance with Standard Paragraph G at the end of the notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of

the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9703 Filed 04-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2496 Oregon]

City of Eugene, OR; Intent to File an Application for a New License

April 17, 1989.

Take notice that on December 23, 1988, the City of Eugene, Oregon (Eugene Water & Electric Board), the existing licensee for the Leaburg Hydroelectric Project No. 2496, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2496 was issued effective June 1, 1968, and will expire December 31, 1993.

The project is located on the McKenzie River in Lane County, Oregon. The principal works of the Leaburg Project include a 20-foot-high, 450-foot-long reinforced concrete dam with a gated sluiceway and canal intake; Leaburg Lake; a canal about five miles long; a forebay and two 8-foot-diameter, 250-foot-long reinforced concrete penstocks; a powerhouse with an installed capacity of 13,500 KW; a substation with transmission line connections; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 500 East Fourth Avenue, Eugene, OR 97401, Attn: Mr. Gale Banry, telephone (503) 484-2411.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9646 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ89-1-46-006 and RP86-166-005]

Kentucky West Virginia Gas Co.; Amended Compliance Filing

April 14, 1989.

Take notice that on April 13, 1989, Kentucky West Virginia Gas Company (Kentucky West) amended its March 30, 1989 compliance filing so as to extend the proposed effective date of the tariff sheets from March 15, 1989 to September 1, 1989. Accordingly, the date for motions to intervene or protests to the March 30, 1989 filing has been changed to August 14, 1989, as indicated below.

Kentucky West states that the tariff sheets filed March 30, 1989 were filed in compliance with the Commission's "Order Rejecting Compliance Filing" issued in the referenced proceedings on March 15, 1989, and in accordance with the mandate of the United States Court of Appeals of the Fifth Circuit, issued in *Kentucky West Virginia Gas Co.* v. *FERC*, 780 F.2d 1231 (5th Cir. 1986).

Kentucky West states that, under such tariff sheets, it would bill its customers directly for the difference between (1) the amounts each such customer paid during the period in which Kentucky West was required to price certain of its company production at cost of service rather than Natural Gas Policy Act (NGPA) rates; and (2) the amounts each such customer would have paid if Kentucky West, during such time period, had not been denied the right to price its pipeline production at NGPA prices, plus interest calculated in accordance with the Commission's regulations. Kentucky West states further that its customers are given the option of paying the direct billing amounts either: (1) by a lump-sum payment to be made by May 1, 1989; (2) in monthly installments of direct billing amounts, plus interest, to be paid over a period not to exceed eighty-four months; or (3) by a lump-sum payment during the installment period.

In its April 13, 1989 amendment to the compliance filing, Kentucky West states that preliminary discussions with certain parties lead it to believe that a settlement of the issues in these proceedings and related appellate proceedings may be possible. To facilitate settlement discussions, Kentucky West has filed to amend the proposed effective date of the tariff sheets to September 1, 1989, and requests waiver of the Commission's regulations so that the time for filing protests or requests for hearing may be extended until August 14, 1989. Kentucky West states that it will waive interest concerning the direct billing amounts involved for the months of May through August 1989.

Kentucky West states that a copy of its filing has been served upon all parties in this proceeding pursuant to the Commission's Rules.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1988)). All such motions or protests should be filed on or before August 14, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9651 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2775-001 Massachusetts]

Linweave, Inc.; Procedures for Relicensing and a Deadline for Submission of Final Amendments

April 17, 1989.

The license for the Gill Mill (D Wheel) Project No. 2775 located on the second level canal of Holyoke Water Power Company on the Connecticut River in the City of Holyoke, Hampden County, Massachusetts, expires on February 28, 1991. Pursuant to section 15(c)(1) of the Federal Power Act the statutory deadline for the submission of applications for relicense was March 1, 1989. An application for relicense has been filed as follows:

Project No.	Applicant	Contact
P-2775...	Linweave, Inc., 10 Linweave Drive, Holyoke, MA 01040.	Ms. June P. Broadstone, Skadden, Arps, Slate, Meager & Flom, 1440 New York Avenue, NW., Washington, DC 20005.

Pursuant to section 15(c)(1) of the Federal Power Act the deadline for applicant to file final amendments, if any, to its applications is May 31, 1989.

The following is an approximate schedule that will be used in processing the application.

Date	Action
Feb. 9, 1989.....	Commission notified applicant of deficiencies in its application.
Feb. 21, 1989.....	Applicant filed all corrections of deficiencies.
Feb. 9, 1989.....	Commission notified applicant of the need for additional information, and the date the information is due.
Mar. 24, 1989.....	Commission issued public notice of the application describing final proposals and establishing dates for filing interventions, public comments, agency recommendations, and fish and wildlife terms and conditions.

Upon receipt of all additional information, public comments, and agency recommendations, the Commission will complete its environmental analysis pursuant to the National Environmental Policy Act, attempt to resolve any disputed fish and wildlife terms and conditions, and issue an order on the application.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9647 Filed 04-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2772-002 Massachusetts]

Linweave, Inc.; Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

April 17, 1989.

The license for the Gill Mill (A Wheel) Project No. 2772 located on the second level canal of the Holyoke Water Power Company on the Connecticut River in the City of Holyoke, Hampden County, Massachusetts, expires on February 28, 1991. Pursuant to section 15(c)(1) of the Federal Power Act the statutory deadline for the submission of applications for relicense was March 1, 1989. An application for relicense has been filed as follows:

Project No.	Applicant	Contact
P-2772	Linweave, Inc., 10 Linweave Drive, Holyoke, MA 01040.	Ms. June P. Broadstone,Skadden, Arps, Slate, Meager & Flom, 1440 New York Avenue NW., Washington, DC 20005.

Pursuant to section 15(c)(1) of the Federal Power Act the deadline for applicant to file final amendments, if any, to its application is May 31, 1989.

The following is an approximate schedule that will be used in processing the application.

Date	Action
Feb. 9, 1989.....	Commission notified applicant of deficiencies in its application.
Feb. 21, 1989.....	Applicant filed all corrections of deficiencies.
Feb. 9, 1989.....	Commission notified applicant of the need for additional information, and the date the information is due.
Mar. 24, 1989.....	Commission issued public notice of the application describing final proposals and establishing dates for filing interventions, public comments, agency recommendations, and fish and wildlife terms and conditions.

Upon receipt of all additional information, public comments, and agency recommendations, the Commission will complete its environmental analysis pursuant to the National Environmental Policy Act, attempt to resolve any disputed fish and wildlife terms and conditions, and issue an order on the application.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9648 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2342 Washington]

Pacific Power & Light Co.; Intent To File an Application for a New License

April 17, 1989.

Take notice that on December 28, 1988, Pacific Power & Light Company, the existing licensee for the Condit Hydroelectric Project No. 2342, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2342 was issued effective May 1, 1965, and expires December 31, 1993.

The project is located on the White Salmon River in Skamania and Klickitat Counties, Washington. The principal works of the Condit Project include a 125-foot-high concrete gravity dam; a reservoir of 97 acres; a 13.5-foot-diameter, 5,100-foot-long woodstave pipeline with a 40-foot-diameter concrete surge tank; two 9-foot-diameter, 650-foot-long penstocks; a powerhouse with an installed capacity of 9,600 kW; a 2.3/69-kV substation and a 69-kV switchyard; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 920 SW 6th Avenue, Portland, OR 97204, Attn: S. A. deSousa, telephone (503) 464-5343.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9649 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8264-004]

Summit Hydropower; Surrender of Exemption From Licensing

April 17, 1989.

Take notice that Summit Hydropower, exemptee for the Falls Mill Dam No. 2 Project No. 8264, requested by letter filed February 28, 1989, that its exemption be terminated. No construction of hydroelectric project works has been performed. The exemptee has requested this action because this site has been incorporated into its recently accepted Falls Mills Dams Hydro Project No. 8263 license application.

The exemption for Project No. 8264 shall be terminated effective with the issuance of this notice. No new

applications involving this project site may be filed.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9650 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-6-51-001]

Great Lakes Gas Transmission Co.; Filing

April 18, 1989.

Take notice that on April 13, 1989, Great Lakes Gas Transmission Company (Great Lakes) filed Second Substitute Seventh Revised Sheet No. 57(v) to its FERC Gas Tariff, First Revised Volume No. 1, to be effective March 6, 1989.

Great Lakes states that this tariff sheet includes a current PGA adjustment for Rate Schedule T-23.

Great Lakes requests waiver of the notice requirements of the provisions of § 154.309 of the Commission's Regulations and any other necessary waivers so as to permit the above tariff sheet to become effective March 6, 1989.

Great Lakes states that copies of this filing has been served on all of its customers and the Public Service Commissions of Minnesota, Wisconsin, and Michigan.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure [18 CFR 385.214, 385.211 (1988)]. All such motions or protests should be filed on or before April 25, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9725 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-90-001 and RP89-83-001]

Superior Offshore Pipeline Co.; Compliance Filing

April 18, 1989.

Take notice that on April 12, 1989, Superior Offshore Pipeline Company ("SOPCO") tendered for filing the following revised tariff sheets to Original Volume No. 1 of its FERC Gas Tariff.

Second Revised Sheet No. 32
Original Sheet No. 32a
Original Sheet No. 32b
Original Sheet No. 32c

SOPCO states the revised sheets comply with the Federal Energy Regulatory Commission's order issued March 31, 1989, and with Order No. 509.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 25, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9726 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 18, 1989

Take notice that ANR Pipeline Company ("ANR") on April 13, 1989 tendered for filing as a part of its FERC Gas Tariff Original Volume No. 1-A, Substitute First Revised Sheet No. 136B.

ANR states that the above referenced tariff sheet is being filed in compliance with the Commission's Letter Order of March 31, 1989 in Docket No. RP89-88-000 to revised § 2.3(c) by adding the word operationally, so that the section reads in part, " * * * provided that such FTS-1 transportation service is operationally feasible * * * "

ANR has requested that the Commission accept this filing to become effective as of April 1, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Stret, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Such protests or motions must be filed by April 25, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9581 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2449 Michigan]

Consumers Power Co.; Intent To File an Application for a New License

April 18, 1989.

Take notice that on December 16, 1988, Consumers Power Company, the existing licensee for the Loud Hydroelectric Project No. 2449, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2449 was issued effective April 1, 1962, and expires December 31, 1993.

The project is located on the Au Sable River in Iosco County, Michigan. The principal works of the Loud Project include a 41-foot-high, 2,000-foot-long dam with two earth embankments, an emergency spillway, and a powerhouse and gated spillway section; a reservoir of 790 acres at elevation 742.67 feet m.s.l.; a powerhouse with an installed capacity of 4,000 kW; a substation and transmission line connection; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 1945 West Parnall Road, Jackson, MI 49201, Attn: R.J. Ford, telephone (517) 788-0156.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for

license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9727 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2385 New York]

Finch, Pruyn & Co. Inc.; Intent To File an Application for a New License

April 18, 1989.

Take notice that on August 4, 1988, Finch, Pruyn & Company, Inc., the existing licensee for the Glens Falls Hydroelectric Project No. 2385, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2385 was issued effective April 1, 1949, and expires December 31, 1993.

The project is located on the Hudson River in Warren County, New York. The principal works of the Glens Falls Project include that section owned by the licensee of a reinforced concrete dam across the Hudson River; a headgate structure and a forebay canal, averaging 80 feet in width, formed by the natural river bank on the left and on the right by a 550-foot-long reinforced concrete wall at crest elevation 266.16 feet m.s.l.; a powerhouse with an installed capacity of 9,840 kW; a transmission line connection; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 1 Glen Street, Glens Falls, NY 12801.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9728 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-74-002]

Panhandle Trading Co.; Application for Extension of a Blanket Limited-Term Certificate With Pregranted Abandonment

April 18, 1989.

Take notice that on April 17, 1989, Panhandle Trading Company (Panhandle) of P.O. Box 1354, Houston, Texas 77251-1354, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for amendment of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1989, to extend such authorization for an unlimited term, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 27, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Panhandle to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9729 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2583 New York]

Rochester Gas and Electric Corp.; Intent to File an Application for a New License

April 18, 1989.

Take notice that on December 30, 1988, Rochester Gas and Electric Corporation, the existing licensee for the Station 5 Hydroelectric Project No. 2583, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2583 was issued effective April 1, 1962, and expires December 31, 1993.

The project is located on the Genesee River in Monroe County, New York. The principal works of the Station 5 Project include a 400-foot-long dam with four 16-foot by 50-foot Taintor Gates and two 15-foot by 100-foot steel gates separated by concrete piers; a reservoir of 325 acre-feet usable capacity; a rack house and a 20-foot-diameter, 1,400-foot-long concrete lined tunnel with a surge tank; three 13-foot-diameter, 30-foot-long steel penstocks; a powerhouse with an installed capacity of 38,250 kW; transmission line connections; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at Document Control Room 49, East Avenue, Rochester, NY 14649-0001.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9730 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2582 New York]

Rochester Gas and Electric Corp.; Intent To File an Application for a New License

April 18, 1989.

Take notice that on December 30, 1988, Rochester Gas and Electric Corporation, the existing licensee for the Station 2 Hydroelectric Project No. 2582, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2582

was issued effective January 1, 1959, and expires December 31, 1993.

The project is located on the Genesee River in Monroe County, New York. The principal works of the Station 2 Project include a canal gate house, with seven steel gates, downstream from the City of Rochester's Central Avenue Dam and upstream from a collapsible 11-foot-high, 32-foot-long wood dam; a canal known as Brown's Race; a forebay, rack house and 11-foot-diameter, 235-foot-long steel penstock; a powerhouse with a installed capacity of 6,500 kW; two 11-kV underground transmission cables, about 4,000 feet long; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at Document Control Room, 49 East Avenue, Rochester, NY 14649-0001.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9731 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2561 Missouri]

Sho-Me Power Corp.; Intent to File an Application for a New License

April 18, 1989.

Take notice that on October 14, 1988, Sho-Me Power Corporation, the existing licensee for the Niangua Hydroelectric Project No. 2561, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. § 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2561 was issued effective April 1, 1962, and expires December 31, 1993.

The project is located on the Niangua River in Camden County, Missouri. The principal works of the Niangua Project include an 878-foot-long dam with four 24-foot-high, 300-foot-long concrete gravity overflow section, a 533-foot-long rock and earthfill section and a rock-filled crib section; a reservoir of 360 acres at elevation 711.5 feet m.s.l.; an 830-foot-long concrete lined tunnel to a surge chamber; a powerhouse with an installed capacity of 3,000 kW; a 2.3/69-kV substation and transmission line connection; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 301 W. Jackson, Marshfield, MO 65706, Attn: Howard H. Fillmer, telephone (417) 468-2615.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-9732 Filed 4-21-89; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OA-FRL-3559-5]

Waiver of Section 109, Pub. L. 100-202, for the City and County of San Francisco, Wastewater Treatment Construction Grant C-061253-710

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Administrator of the Environmental Protection Agency (EPA) has approved a waiver from the provisions of the "Brooks-Murkowski amendment", section 109, Pub. L. 100-202, for the City and County of San Francisco (grantee), wastewater treatment construction grant C-061253-710. The waiver is printed with this notice.

The waiver allows EPA to participate in the cost of three steel beams for the grant project even though the beams are Japanese-made.

EFFECTIVE DATE: April 13, 1989.

FOR FURTHER INFORMATION CONTACT: Richard A. Johnson, Grants Administration Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (202) 382-5268.

Date: April 13, 1989.

William K. Reilly,

Administrator.

[FR Doc. 89-9768 Filed 4-21-89; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3560-4]

Workshop Report on EPA Guidelines for Carcinogen Risk Assessment

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability of workshop report on EPA guidelines for carcinogen risk assessment.

SUMMARY: This notice announces the availability of the Workshop Report on EPA Guidelines for Carcinogen Risk Assessment (EPA/625/3-89/015). The comments and background papers assembled in this report describe the scientific issues reviewed at the recent workshop.

ADDRESSES: To obtain a single copy of the report, interested parties should contact the ORD Publications Office, CERI-FRN, U.S. Environmental Protection Agency, 26 West Martin Luther King Drive, Cincinnati, OH 45268, Tel: (513) 569-7562 or FTS: 684-7562. Please provide your name and mailing address and request the document by the title and EPA number.

The workshop report also will be available for public inspection and copying in the Public Information Reference Unit of the EPA Headquarters Library, Waterside Mall, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Thomas, Technical Liaison, Risk Assessment Forum, Tel: (202) 475-6743 or FTS: 475-6743.

SUPPLEMENTARY INFORMATION: On January 11-13, 1989, EPA assembled experts in various aspects of carcinogen risk assessment to examine the scientific foundation for two aspects of the EPA's 1986 Carcinogen Risk Assessment Guidelines (51 FR 33992-34054, 24 September 1986). Some workshop participants studied qualitative issues bearing on the classification of chemicals as potential human carcinogens, while others focused on quantitative questions regarding extrapolation from test animal data to human populations.

The workshop report highlights the major scientific issues discussed at the meeting. The report includes remarks by opening session speakers, EPA's pre-meeting statement of issues, summary

statements for major workshop discussions, reference lists, and a list of workshop participants. The papers are informal materials prepared exclusively for use at the workshop, rather than standard scientific papers.

As described in previous Federal Register notices (53 FR 32656, 26 August 1988; 53 FR 49920–21, 12 December 1988), the workshop was part of EPA's current review of its 1986 Guidelines for Carcinogen Risk Assessment. The first stage of this review included several activities, including the January workshop, designed to develop information to help EPA identify scientific issues relating to current use and possible revision of these guidelines.

In the current second stage, EPA is analyzing the information collected above to make decisions about possible changes in the guidelines and, if appropriate, to develop a proposal for peer review and public comment. The information collected so far suggests several different outcomes, ranging from no changes at this time to substantial revision of some parts of the guidelines.

In the third stage, any proposed changes would be submitted to individual scientists for preliminary peer review and then to the general public, other federal agencies, and EPA's Science Advisory Board for comment. All of these comments would be considered in developing final guidance.

Date: April 17, 1989.

Erich Bretthauer,

Assistant Administrator for Research and Development.

[FR Doc. 89–9767 Filed 4–21–89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 17, 1989.

The Federal Communications Commission has submitted the following information collection requirement to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act, as amended (44 U.S.C. 3501 et seq.).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037. Persons wishing to comment on this information collection should contact Eyvette Flynn, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395–3785. Copies of these comments should also be sent to the Commission. For further information contact Jerry Cowden, Federal Communications Commission, (202) 632–7513.

OMB Number: 3060–0419

Title: Sections 76.94, 76.155, 76.157, and 76.159—Syndicated Exclusivity and Network Non-duplication

Action: Revision

Respondents: Businesses (including small businesses)

Frequency of Response: On occasion

Estimated Annual Burden: 1,460,025 responses; 176,663 hours; 0.121 hours each

Needs and Uses: Notifications by television stations and program suppliers will provide cable systems with information on programs for which they have syndicated exclusivity or network non-duplication rights. The data provided to cable systems by television systems will be used to determine when programs subject to deletion will be aired, so that cable systems can delete carriage of signal at appropriate time.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89–9657 Filed 4–21–89; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Virgil L. Pearman, et al.

1. The Commission has before it the following mutually exclusive applications for three new FM stations:

I

Applicant, city, and state	File No.	MM docket No.
A. Virgil L. Pearman; Radcliff, KY.	BPH–871110MK	89–82
B. W & B Broadcasting, Inc.; Radcliff, KY.	BPH–871110MU	
C. Elizabethtown Broadcasting Co., Inc.; Radcliff, KY.	BPH–871110NG	

Issue Heading and Applicants

1. Air Hazard, B
2. Comparative, A, B, C
3. Ultimate, A, B, C

II

Applicant, city, and state	File No.	MM docket No.
A. Nancy C. Hart; Auberry, CA.	BPH–870330MF	89–81
B. Mirror Broadcasting Corp.; Auberry, CA.	BPH–8703310E	
C. James K. Zahn; Auberry, CA.	BPH–8703310S	
D. Sharryle G. Chung Eurich and Robert Eurich d/b/a Mountain Air Broadcasting; Auberry, CA.	BPH–8703310Z	
E. Eric R. Hilding; Auberry, CA.	BPH–870331PL	
F. Catharina Louisa Osborn; Auberry, CA.	BPH–870406KC	
G. Gary E. Willson, Auberry, CA.	BPH–8703310N (Dismissed herein)	

Issue Heading and Applicants

1. Financial, E
2. Comparative, A–F
3. Ultimate, A–F

III

Applicant, city, and state	File No.	MM docket No.
A. RFI Associates; Ithaca, NY.	BPED–861229MA	89–83
B. Family Life Ministries Radio, Inc.; Spencer, NY.	BPED–870608MB	

Issue Heading and Applicant

1. Financial, A
2. 307(b)—Noncommercial Educational, A,B
3. Contingent Comparative, A,B
4. Ultimate, A,B

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets

Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 89-9655 Filed 4-21-89; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Sainte Ltd., et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city, and state	File No.	MM docket No.
A. Sainte Limited; Las Vegas, NV.	BPCT-881011KG	89-80
B. Blackstar Communications, Inc.; Las Vegas, NV.	BPCT-881121KK	.....
C. Televenture Broadcasting, Inc.; Las Vegas, NV.	BPCT-881128KF	.....
D. Lorraine Walker Arms; Las Vegas, NV.	BPCT-881202KK	.....
E. P.Z. Entertainment Partnership, L. P.; Las Vegas, NV.	BPCT-881205KG	.....
F. Channel 15—Daniel R. Ewing, Limited Partnership; Las Vegas, NV.	BPCT-881205KH	.....
G. Media Profiles, Inc.; Las Vegas, NV.	BPCT-881205KI	.....
H. Tierra Alta Broadcasting, Inc.; Las Vegas, NV.	BPCT-881205KJ	.....
I. North Las Vegas Broadcasting Co., Inc.; Las Vegas, NV.	BPCT-881205KK	.....
J. Echonet Corporation; Las Vegas, NV.	BPCT-881205KM	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Air Hazard, E, H, I & J
Comparative, A, B, C, D, E, F, G, H, I & J
Ultimate, A, B, C, D, E, F, G, H, I & J

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart, Chief,

Video Services Division, Mass Media Bureau.

[FR Doc. 89-9656 Filed 4-21-89; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-010676-034.

Title: South Europe/U.S.A. Freight Conference ("Conference").

Parties:

Achille Lauro
Compania Trasatlantica Espanola, S.A.
Costa Container Lines (Contship Containerlines, Ltd.)
Evergreen Marine Corporation (Taiwan) Ltd.
Farrell Lines, Inc.
Italia de Navigazione S.p.A.
Jugolinija
Jugooceanija
Lykes Lines (Lykes Bros. Steamship Co., Ltd.)
A.P. Moller-Maersk Line
Nedlloyd Lines (Nedlloyd Lijnen B.V.)
Sea-Land Service, Inc.
P & O Containers (TFL) Ltd.
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed modification would permit the Conference to be organized as an association or other legal entity under Italian Law for the purpose of providing administrative services for the Members. It would also provide that all Members of the Conference shall be members of such association or other legal entity organized in Italy.

Agreement No.: 202-010776-046.

Title: Asia North America Eastbound Rate Agreement.

Parties: American Prsesident Lines, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Liner Systems, Ltd.
Nippon Yusen Kaisha Line
Sea-Land Service, Inc.

Synopsis: The proposed modification provides that extensions of existing independent actions will be considered initial independent actions.

Agreement No.: 203-011237.

Title: Agreement 11237.

Parties: Atlantic Container Line BV
Hapag Llyod AG
Sea-Land Service, Inc.
P & O Containers (TFL) Limited
Gulf Container Line (GCL), BV
Compagnie Generale Maritime (CGM)
Nedlloyd Lijnen BV
A.P. Moller-Maersk Line.

Synopsis: The proposed Agreement would authorize the parties to meet, communicate and exchange information, and consider, discuss and reach consensus or agreement with regard to matters of mutual interest, and upon their respective rates, conditions of carriage and services in the North Europe-U.S. Atlantic trade including ports in the United Kingdom and Scandinavia. Any agreement reached would be voluntary.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: April 19, 1989.

[FR Doc. 89-9714 Filed 4-21-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

J.P. Morgan & Co. Inc., New York, NY; Proposal to Engage in Placement as Agent of All Types of Securities; Correction

This notice corrects a previous Federal Register notice (FR Doc. 89–8364 published at page 14,290 of the issue for Monday, April 10, 1989).

The entry for J.P. Morgan & Co. Incorporated is amended to read as follows:

J.P. Morgan & Co. Incorporated, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a), of the Board's Regulation Y (12 CFR 225.23(a)), for permission for its subsidiary J.P. Morgan Securities Inc., New York, New York ("JPMS"), to engage in the placement, as agent for issuers, of all types of securities.

JPMS is currently authorized to underwrite and deal in, to a limited extent, certain securities. *See J.P. Morgan & Co. Incorporated, The Chase Manhattan Corporation, Bankers Trust New York Corporation, Citicorp and Security Pacific Corporation*, 75 Federal Reserve Bulletin 192 (1989) (*"J.P. Morgan et al."*); *J.P. Morgan and Co. Incorporated*, 73 Federal Reserve Bulletin 875 (1987); *Citicorp, J.P. Morgan and Co. Incorporated and Bankers Trust New York Corporation*, 73 Federal Reserve Bulletin 473 (1987); and 12 CFR 225.25(b)(16). In addition, JPMS has received authorization to provide securities brokerage and investment advisory services on a combined basis to institutional customers. *J.P. Morgan and Co. Incorporated*, 73 Federal Reserve Bulletin 810 (1987).

J.P. Morgan has applied to engage in the placement, as agent for issuers, of all types of securities within the limitations established by the Board in *J.P. Morgan et al.*, except that: (i) The proposal would involve the placement of all types of securities, including equities; and (ii) the revenues from the proposed placement activities would be not be subject to the five percent gross revenue limitation established in prior orders which limits JPMS's underwriting and dealing activities. As part of the proposed activities, JPMS would engage in "riskless principal" transactions. J.P. Morgan contends that such transactions are the economic equivalent of agency transactions, in that they do not expose JPMS to market risk. JPMS would not engage in "best efforts" underwriting under the proposal.

The Board has not previously determined that the proposed activities are permissible under section 4(c)(8) of the Bank Holding Company Act. Section 4(c)(8) of the Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

J.P. Morgan contends that the proposed activities are closely related to banking because banks, including its bank subsidiary, Morgan Guaranty Trust Company of New York, are currently active participants in the private placement market. Under this proposal, J.P. Morgan would transfer the placement activities currently conducted in its bank subsidiary to JPMS.

In determining whether an activity is a proper incident to banking, the Board must consider whether the proposal may "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." J.P. Morgan maintains that permitting bank holding companies to engage in the proposed activities would result in greater convenience to customers and increased efficiency in the provision of J.P. Morgan's placement services.

J.P. Morgan contends that the proposed activities would not result in adverse effects since the proposal would result in the shifting the placement activities out of a bank to a nonbank subsidiary. J.P. Morgan states that JPMS is registered with the Securities and Exchange Commission and is a member of the National Association of Securities Dealers and the New York Stock Exchange and hence is subject to the full range of state and federal securities laws including financial reporting, antifraud and financial responsibility rules applicable to a broker-dealer. Moreover, J.P. Morgan notes that the framework of prudential limitations required by the Board's prior orders reinforce the separation between JPMS and its banking affiliates and would subject the proposed activities to restrictions that otherwise would not be required if such activities continue to be performed in the bank.

J.P. Morgan contends that the proposed asctivities do not raise an issue under section 20 of the Glass-Steagall Act (12 U.S.C. 377), relying on *Securities Industry Ass'n* v. *Board of Governors*, 807 F.2d 1052 (D.C. Cir. 1986), *cert. denied*, 107 S.Ct. 3228 (1987). Section 20 of the Glass-Steagall Act prohibits the affiliation of a member bank, such as Morgan Guaranty Trust Company of New York, with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities.

Any request for a hearing on this application must comply with section § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than May 10, 1989.

Board of Governors of the Federal Reserve Systrem, April 18, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89–9707 Filed 4–21–89; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89M–0116]

Epcon Laboratories; Premarket Approval of Epcon Soft (Polymacon) Hydrophilic Contact Lens

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Epcon Laboratories, El Paso, TX, for premarket approval, under the Medical Device Amendments of 1976, of the spherical Epcon Soft (polymacon) Hydrophilic Contact Lens for daily wear. The lenses are to be manufactured under an agreement with Allergan Hydron, Inc., Woodbury, NY, which has authorized Epcon Laboratories to incorporate information contained in its approved premarket approval application for the Hydron® (polymacon) Hydrophilic Contact Lens manufactured by a lathe cutting technique. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of February 27, 1989, of the approval of the application.

DATE: Petitions for administrative review by May 24, 1989.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management

Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

SUPPLEMENTARY INFORMATION: On June 23, 1988, Epcon Laboratories, El Paso, TX 79912, submitted to CDRH an application for premarket approval of the spherical Epcon Soft (polymacon) Hydrophilic Contact Lens for daily wear. The lens is indicated for the correction of visual acuity in persons with nondiseased eyes and/or aphakia, who are myopic or hyperopic and may exhibit astigmatism 1.50 diopters (D) or less that does not interfere with visual acuity. The lens is indicated in a power range of −20.00 D to +20.00 D and is to be disinfected using either a heat or chemical disinfection system. The application includes authorization from Allergan Hydron, Inc., Woodbury, NY 11797, to incorporate information contained in its approved premarket approval application for the Hydron® (polymacon) Hydrophilic Contact Lens manufactured by a lathe cutting technique.

On February 27, 1989, CDRH approved the application by a letter to the applicant from the Acting Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ–460), address above. The labeling of the Epcon Sodt (polymacon) Hydrophilic Contact Lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 24, 1989, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sections 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: April 14, 1989.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 89–9715 Filed 4–21–89; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Human Immunodeficiency Virus Services Planning Program Grants

AGENCY: Health Resources and Services Administration, PHS, DHHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of availability of funds, published in the **Federal Register** on March 8, 1989 (54 FR 9898), as follows:

• Under 54 FR 9899, Eligible Jurisdictions, at the end of the paragraph add:

(3) Counties that are not in SMSAs and that have between 100 and 400 cases of AIDS as reported by the CDC as of September 12, 1988 (see Appendix C).

• Under 54 FR 9902, add Appendix C, as follows:

APPENDIX C—Counties Not in SMSAs Eligible For Grants Under The HIV Services Planning Program (counties that are not in SMSAs and that have between 100 and 400 cases of AIDS as reported by the Centers for Disease Control as of September 12, 1988).

County	Cumulative cases
Monroe County, Florida	161

All other aspects of the March 8, 1989 **Federal Register** notice remain the same.

Date: April 18, 1989.

John H. Kelso,

Acting Administrator.

[FR Doc. 89–9716 Filed 4–21–89; 8:45 am]

BILLING CODE 4160–15–M

Office of Human Development Services

[Program Announcement No. 13631–89–2]

Developmental Disabilities; Availability of Fiscal Year 1989 Financial Assistance for Grant Awards Under the Technical Assistance Priority Area 3.3 for Projects of National Significance; Extension of Deadline

AGENCY: Administration on Developmental Disabilities, Office of Human Development Services, HHS.

ACTION: Extension of deadline for applications for Developmental Disabilities Technical Assistance projects.

SUMMARY: The Administration on Developmental Disabilities, Office of Human Development Services (OHDS), announces that the deadline for accepting applications for funding of Technical Assistance projects under Priority Area 3.3 as published in the OHDS Coordinated Discretionary Funds Program announcement on August 31, 1988 (53 FR 33686–33722), has been extended.

DATE: The new closing date for receipt of applications is June 23, 1989.

ADDRESSES: Application kits may be obtained by writing or telephoning: Kay

Smith, Developmental Disabilities Program Specialist, Program Development Division, Administration on Developmental Disabilities, Room 5317 Wilbur J. Cohen Building, 330 Independence Avenue SW., Washington, DC 20201, Telephone: (202) 245–7719. Applications should be sent to: Office of Human Development Services, Division of Grants and Contracts Management, 200 Independence Avenue SW., HHH Building, Room 349–F, Washington, DC 20201, Attention: HDS–89–2, Priority Area: 3.3.

FOR FURTHER INFORMATION CONTACT: Kay Smith, (202) 245–7719.

SUPPLEMENTARY INFORMATION:

I. Background

The Administration on Developmental Disabilities (ADD) provides assistance to States and public and private nonprofit agencies and organizations to assure that all persons with developmental disabilities receive the services, assistance and other opportunities necessary to enable them to achieve their maximum potential through increased independence, productivity and integration into the community. Changes made by the Developmental Disabilities and Bill of Rights Act of 1987 (Pub. L. 100–146) emphasized that persons with developmental disabilities include those with severe functional limitations attributable to physical impairments, mental impairments and combinations of physical and mental impairments.

In addition, ADD seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential as well as ensuring the protection of their legal and human rights. ADD funds projects of national significance to States and public and private nonprofit agencies for projects relating to persons with developmental disabilities.

Pub. L. 100–146 included a provision that the Secretary of Health and Human Services may make grants and enter into contracts with public or private nonprofit agencies for technical assistance to expand or otherwise improve the programs and activities of the State Developmental Disability Planning Councils, University Affiliated Programs, and State Protection and Advocacy agencies.

On August 31, 1988, the Office of Human Development Services (OHDS) published in the Federal Register its fiscal year 1989 Coordinated Discretionary Funds Program announcement. ADD's fiscal year 1989 priority areas for projects of national significance were included as part of that announcement. That solicitation announcement resulted in no technical assistance projects being approved for funding. Therefore, OHDS has determined that it is in the best interest of the Federal Government to extend the deadline for receipt of applications for technical assistance projects (Priority Area 3.3).

II. Priority Area Description

Technical Assistance Projects to Assist State Developmental Disabilities Planning Councils, Protection and Advocacy Agencies, and University Affiliated Programs

ADD is interested in funding technical assistance projects which support:

- The advocacy functions of the State Developmental Disability Planning Council;
- The functions performed by University Affiliated Programs and Satellite Centers; and
- The protection and advocacy services relating to the State protection and advocacy system.

This includes arranging for and coordinating the provision of technical assistance to University Affiliated Programs and Satellite Centers, State Protection and Advocacy agencies, and State Developmental Disability Planning Councils.

ADD expects to fund one project in each of the categories identified above not to exceed $100,000 per project.

III. Minimum Requirements for Project Design

In order to successfully compete, the application should:

—Clearly demonstrate the ability to expand or otherwise improve the advocacy functions of the State Planning Council; or the functions performed by University Affiliated Programs and Satellite Centers; or the protection and advocacy services relating to the State protection and advocacy system.

—Provide evidence of partnerships with community agencies and local advocacy agencies to emphasize productivity, independence, and integration into the community of individuals with developmental disabilities.

Eligible Applicants: State, public or private nonprofit organizations, institutions or agencies. Applicants who previously applied may reapply.

Duration of Projects: Not to exceed 12 months.

Federal Share of Project Costs: Not to exceed $100,000 per project.

Grantee Share of Project Costs: Successful applicants must contribute $1, secured from non-Federal sources, for every $3 received in Federal funding up to $100,000. The grantee share amounts to at least 25% of the entire project cost.

The exception to this requirement relates to applications originating from American Samoa, Guam, the Virgin Islands or the Commonwealth of the Northern Mariana Islands. Applicants from these insular areas are covered by section 510(d) of Pub. L. 95–134, which requires the Department to waive "any requirement for local matching funds under $200,000" for these jurisdictions.

The non-Federal share of total project costs for each budget period may be in the form of grantee-incurred costs and/or third party in-kind contributions. OHDS strongly encourages applicants to propose a grantee share which is more than 25% of the project costs. OHDS also encourages applications where the matching requirement will be met in cash (as opposed to in-kind contributions) from non-Federal sources.

If the required non-Federal share is not met by a grantee for each budget period during the project period, OHDS will disallow any unmatched Federal dollars. The amount of non-Federal share required will be the amount proposed by the applicant. If the proposed share exceeds 25%, the applicant will be required to provide the additional cost-sharing or matching. Therefore, applicants should be sure of any amount proposed as match before including these funds in their budgets.

IV. General Information and Requirements for the Application Process and Review

Applicants must meet the requirements contained in the following sections of the Federal Register announcement of August 31, 1988:

A. General Information
B. Evaluation Criteria
C. The Components of an Application
D. Preparing the Application
E. The Application Package
F. Checklist for a Complete Application

In addition, all applicants must submit two new assurances: (1) Certification Regarding Drug-Free Workplace and (2) Certification Regarding Debarment. This will be included in the application kit.

V. The Application Process

A. Deadline for Submittal of Applications

The closing date for submittal of applications under this program announcement is June 23, 1989. The requirements for deadline and submittal of applications as published in the

August 31, 1988 Federal Register (page 33702) apply to this resolicitation.

B. Availability of Forms

All instructions and forms for submittal of applications will be included in the application kit and may be obtained by writing or telephoning: Kay Smith, Program Development Division, Administration on Developmental Disabilities, Room 5317, Wilbur J. Cohen Building, 330 Independence Avenue SW., Washington, DC 20201. Telephone: (202) 245–7719.

(Federal Catalog of Domestic Assistance Number 13.631 Developmental Disabilities–Special Projects)

Dated: April 11, 1989.

Will Wolstein,

Acting Commissioner, Administration on Developmental Disabilities.

Approved: April 18, 1989.

Donna N. Givens,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 89–9664 Filed 4–21–89; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

Health Resources and Services Administration; Delegation of Authority to Director, Bureau of Health Care Delivery and Assistance

Notice is hereby given that in furtherance of the delegation of authority of April 7, 1989, from the Assistant Secretary for Health to the Administrator, Health Resources and Services Administration, of the authority under section 2523, Title XXV, of the Public Health Service Act, as amended, excluding the authority to issue regulations and to submit reports to the Congress, the Administrator has delegated to the Director, Bureau of Health Care Delivery and Assistance, the authority under section 2523, Title XXV, of the Public Health Service Act, as amended, concerning the provision of information to underserved populations.

Redelegation

This authority may be redelegated.

Effective Date

This delegation was effective upon date of signature.

Date: April 7, 1989.

John H. Kelso,

Acting Administrator.

[FR Doc. 89–9645 Filed 4–21–89; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–89–1976]

Submission of Proposed Information Collection to the Office of Management and Budget

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

This Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: April 13, 1989.

David S. Cristy,

Deputy Director, Information Policy and Management Division.

Proposal: Urban Development Action Grant Program (UDAG).

Office: Community Planning and Development.

Description of the Need for the Information and Its Proposed Use: Information will be provided to HUD by local governments for evaluation of UDAG project applications, monitoring progress and closing out funded projects.

Form Number: SF–424, HUD–3445, HUD–3440; HUD–3441–4, and HUD–3446.

Respondents: States or Local Governments.

Frequency of Submission: Recordkeeping, On Occasion, and Semi-Annually.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Application	200		1.3		32.2		8,372
Semi-annual Progress Report	1,500		2		3.5		10,500
Closeout Report	325		1		3.0		975
Recordkeeping	606		1		40		24,240

Total Estimated Burden Hours: 44,087.

Status: Extension.

Contact: Michael McMahon, HUD, (202) 755–8227, John Allison, OMB, (202) 395–6880.

Date: April 13, 1989.

[FR Doc. 89–9774 Filed 4–21–89; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N-89-1977]

Submission of Proposed Information Collections to the Office of Management and Budget

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

ADDRESS: Interested persons are invited to submit comment regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act. 42 U.S.C. 3535(d).

Date: April 18, 1989.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Compliance Inspection Report—Morgagee's Assurance of Completion.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Form HUD-92051 will be used by HUD staff and private inspectors to report the status of repair requirements on existing or proposed construction cases. Form HUD-92300 will be used by mortgage companies for establishing escrows for incomplete repairs or construction.

Form Number: HUD-92051 and HUD-92300.

Respondents: Business or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
HUD-92051	10,000		100		.25		250,000
HUD-92300	14,000		1		.25		3,500

Total Estimated Burden Hours: 253,500.

Status: Extension.

Contact:

Ken Crandall, HUD (202) 755-6720

John Allison, OMB (202) 395-6880

Date: April 13, 1989.

Proposal: Request for Determination of Eligibility as a Nonprofit Sponsor and/or Mortgagor.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: The form, FHA-3433, will be used by HUD Field Offices to evaluate nonprofit sponsors to determine eligibility of proposed sponsors as nonprofit entities. By making this determination at the earliest possible date, it will eliminate the need to expand additional funds by those not qualified.

Form Number: FHA-3433.

Respondents: Businesses and Other For-Profit.

Frequency of Submission: Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
FHA-3433	900		1		.75		675

Total Estimated Burden Hours: 675.

Status: Revision.

Contact:

Sharon Mizell, (HUD) (202) 426-8730

John Allison, OMB, (202) 395-6880.

Date: April 14, 1989.

Proposal: Schedule of Pooled Project Mortgage.

Office: Government National Mortgage Association (GNMA).

Description of the Need for the Information and Its Proposed Use: This form will provide a means of identifying specific project mortgages in the pool and assure that all required mortgage documents have been delivered to a document custodian. This information is necessary to assure GNMA's interest in the pooled mortgage in the event of a default.

Form Number: HUD-11721.

Respondents: Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-11721	36		9		.1		32

Total Estimated Burden Hours: 32.
Status: Extension.
Contact:
Charles Clark, HUD, (202) 755–5535
John Allison, OMB, (202) 395–6880
Date: April 18, 1989.

Proposal: 1. Schedule of Pooled Loans—Manufactured Home Loans. 2. Issuer Certification of Pool Composition—Manufactured Home Loans.

Office: Government National Mortgage Association (GNMA).

Description of the Need for the Information and Its Proposed Use: The information collected will provide a means of identifying specific manufactured home loans in the pool and assure that all the required loans and related documents have been delivered to a document custodian. In addition, this information is necessary to assure GNMA's interest in the pooled loans in the event of a default, provide information on interest rates, terms, and constraints for manufactured home loan pools.

Form Number: HUD–11725 and HUD–11739.

Respondents: Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–11725 and HUD–11739	12		17		.25		51

Total Estimated Burden Hours: 51.
Status: Revision.
Contact:
Charles Clark, HUD, (202) 755–5535
John Allison, OMB, (202) 395–6880
Date: April 18, 1989.

Proposal: Community Development Technical Assistance Program.

Office: Community Planning and Development.

Description of the Need for the Information and Its Proposed Use: The technical assistance regulations are designed to inform potential applicants of funds for the Community Development Technical Assistance Program. Information collected will consist of who may apply for an award, types of proposals and applications, selection criteria, submission times and places, and proposal content. With this information, HUD will be able to properly and adequately determine the merits of a proposal and subsequent award.

Form Number: SF–424.

Respondents: State or Local Governments, Businesses or Other For-Profit, and Non-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Unsolicited Proposals	200		1		80		16,000

Total Estimated Burden Hours: 16,000.
Status: New.
Contact:
Maggie H. Taylor, HUD, (202) 755–6090
John Allison, OMB, (202) 395–6880
Date: April 12, 1989.

[FR Doc. 89–9775 Filed 4–21–89; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–050–08–4332–11]

Closure Order for Vehicle Use; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure Order for Vehicle Use; California.

SUMMARY: In cooperation with the California Department of Fish and Game, and under authority of 43 CFR 8364.1, the Bureau of Land Management is designating a seasonal vehicular closure on the Lang's Peak-Buck Island Road located in Yolo and Lake Counties.

This road becomes extremely hazardous for public vehicular use during the rainy season due to its steepness, the high clay content of the soil, and its location on a north slope which gets very little sunshine during the winter months. Visitors attempting to travel this road during the wintertime can cause considerable road and soils damage, as well as placing themselves in an extremely hazardous situation.

DATES: This vehicular closure will become effective immediately and will cover the period from November 1 through April 15 of each year.

SUPPLEMENTARY INFORMATION: Yolo County Road 40, also known as the Rieff-Rayhouse Road, provides the only public access to the Buck Island Road.

This county road is already closed during the winter months by a locked gate at both ends. However this does not keep out motorcycles and ATV's. In addition several people have a key to the county gate and drive into this area, even though it is closed to the public. Vehicles are continuing to the Buck Island Road and down to public land included within the Cache Creek Area of Critical Environmentl Concern (ACEC), which *does* have a vehicular closure in effect. Bald Eagle use here in the wintertime is very significant, and also very easily disrupted by vehicles.

A locked gate with adjacent cable barrier to prevent vehicular access will be constructed near the public land boundary at the Road 40/Buck Island Road intersection. This closure area will continue down the Buck Island Road to the private property line for a distance of approximately 6 miles.

This closure is consistent with the Clear Lake Resource Area Management Framework Plan Update and the Rocky Creek/Cache Creek Final Environmental Impact Statement.

Maps depicting this seasonal closure area are available from the Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482. Phone (707) 462–3873.

FOR FURTHER INFORMATION CONTACT: Catherine Roberston, Bureau of Land Management, Clear Lake Resource Area, 555 Leslie Street, Ukiah, California 95482, Phone (707) 462–3873.

Catherine Robertson,

Clear Lake Resource Area Manager.

[FR Doc. 89–9747 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–40–M

[CA–050–08–4332–11]

Closure Order for Vehicle Use; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure order for vehicle use; California.

SUMMARY: In cooperation with the California Department of Fish and Game, and under authority of 43 CFR 8364.1, the Bureau of Land Management is designating a vehicular closure of public lands and trails within two areas: (1) the Northern California Chaparral Research Natural Area (NCCRNA), and (2) the adjacent Perkins Creek Ridge/Bally Peak area, both in Lake County. These two areas are within the Rocky Creek/Cache Creek Wilderness Study Area (WSA). They also overlap portions of public land included within the Cache Creek Area of Critical Environmental Concern (ACEC). Public lands within this ACEC were closed to vehicles in July 1987. This closure adds approximately 10,000 acres to the 1987 closure.

All vehicular use except for administrative access and that associated with valid existing rights (e.g. grazing leases, mining claims, etc.) are prohibited year-round.

DATES: This closure is effective immediately.

SUPPLEMENTARY INFORMATION: The lands included within this closure are part of the Rocky Creek/Cache Creek Wilderness Study Area (WSA). This is a 34,000 acre block of public land which the Bureau is currently mandated to manage so as to not impair wilderness values, pending the final decision by Congress to designate or to not designate the WSA a wilderness area. This decision by Congress is expected sometime within the next two years.

The management plan for the NCCRNA, approved in 1986, calls for a restriction on vehiclar use. Vehicular access for administrative purposes, valid existing rights, and any authorized academic research pertaining to the California chaparral plant community would still continue. Currently vehicular access is occurring into the NCCRNA from adjacent private lands inaccessible to the public. Vehicles have been driving more than 5 miles into this portion of public land to the point where it overlaps with the ACEC. Traffic then continues on through critical wildlife habitat areas previously closed to vehicles in 1987.

Specific resource damage occurring here is primarily soils and vegetation-related. Some of these trails are being severely eroded from vehicular use on the steep erosive soils. Significant damage to vegetation is occurring where old jeep trails, which had almost completely grown over with native vegetation are being re-opened by recent vehicle use into the NCCRNA.

In the Perkins Creek Ridge/Bally Peak area there are illegal activities occurring which detract from wilderness values. Trash dumping including car bodies, old refrigerators, and miscellaneous junk is a serious problem. Because a nearby sanitary landfill is closed on certain days, trash is often dumped on adjacent BLM lands via a public access road. Trash is spread out for a distance of about one mile on that portion of the road not visible from other roads or residences. Because of this limited visibility, a person dumping feels relatively assured of not being caught. Littering of adjacent private land is also occurring where the public access road meanders back into private property.

Indiscriminate target shooting at all this trash is another problem. Broken glass is littered along the first mile of jeep road. Added to this is the safety hazard of having the public target shooting on a road which other vehicles are using.

Significant soils damage is also occurring here from vehicle use on steep hillsides.

This closure will not affect public access by hikers, equestrians, or bicyclists. Sport hunting during allowable seasons will continue.

This closure includes all public lands, not previously covered by the 1987 closure, which are located in T. 13N., R. 6W., sections 13 through 36 inclusive, Mt. Diablo Meridian; all public land located in T. 13N., R. 7W., sections 13, 24, 25, and 26, Mt. Diablo Meridian; and all public land located in T. 12N., R.6W, sections 1 through 6 inclusive, Mt. Diablo Meridian.

This closure is consistent with the Rocky Creek/Cache Creek Wilderness Study Area Final Environmental Impact Statement and the Northern California Chaparral Research Natural Area management plan.

Copies of a map showing the designated closure area are available from the Bureau of Land Management Office, Clear Lake Resource Area, 555 Leslie Street, Ukiah, California 95482.

FURTHER INFORMATION CONTACT: Catherine Robertson, Bureau of Land Management, Clear Lake Resource Area Manager, 555 Leslie Street, Ukiah, California 95484, Phone (707) 462–3873.

Catherine Robertson,

Clear Lake Resource Area Manager.

[FR Doc. 89–9748 Filed 4–42–89; 8:45 am]

BILLING CODE 4310–40–M

[CA–050–08–4332–11]

Closure Order for Vehicle Use; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Closure Order for Vehicle Use; California.

SUMMARY: In cooperation with the California Department of Fish & Game, and under authority of 43 CFR 8364.1, the Bureau of Land Management is designating a permanent vehicular closure of public lands within the Cedar Roughs Area of Critical Environmental Concern/Research Natural Area (ACEC–RNA). This closure will not apply to vehicular access for administrative purposes, authorized academic research, or access pertaining to any valid existing rights (i.e. private inholdings).

DATES: This closure is effective immediately.

SUPPLEMENTARY INFORMATION: The public lands included within this closure comprise the Cedar Roughs ACEC–RNA. This 5,600 acre block of public land is being managed as an ACEC–RNA because of its unique vegetative attributes, primarily the large stand of Sargent Cypress (*Cupressus sargentii*) and the large block of undisturbed California chaparral found here. Academic research into the botanical, geological, and cultural aspects of the Cedar Roughs area is being encouraged.

Presently *there is no public vehicular access into the ACEC–RNA.* One landowner who owns property within the boundary of the area would maintain the right of vehicular access to

get to his property. The only other vehicular access is by local landowners and their permittees who control the access points. These other neighboring landowners would no longer be allowed to drive into the ACEC–RNA.

This closure is consistent with the Clear Lake Resource Area Management Framework Plan Update and the Cedar Roughs ACEC–RNA Management Plan (1988), which calls for a vehicular closure into this area.

Maps depicting this permanent closure area are available from the BLM, 555 Leslie Street, Ukiah, California 95482. Phone (707) 462–3873.

FOR FURTHER INFORMATION CONTACT: Catherine Robertson, Bureau of Land Management, Clear Lake Resource Area, 555 Leslie Street, Ukiah, California 95482, Phone (707) 462–3873.

Catherine Robertson,

Clear Lake Resource Area Manager.

[FR Doc. 89–9749 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–40–M

[WY–060–4320–12–2411]

Casper District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Casper District Advisory Council.

SUMMARY: The Casper District Advisory Council will convene at 9:00 a.m. May 17, 1989 at the Casper District Office, 1701 East "E" Street, Casper, Wyoming. The council will address the following agenda items during the morning session: new member orientation, 1989 fire management plan, "Recreation 2000" projects, land exchanges, and any other topic raised by either council members or members of the public. The public comment period is scheduled for 10:00 a.m.

Beginning at 1:00 p.m. the Advisory Council and the District Advisory Board will meet for a joint session and tour of public lands. The session will start with comments from new Wyoming State Director Ray Brubaker, followed by a tour of a recreational site, and grazing and riparian areas located within the jurisdiction of the Platte River Resource Area. The meeting and tour is open to the public.

FOR INFORMATION CONTACT: Kate DuPont, Public Affairs Specialist, 307–261–5101, Casper, Wyoming.

SUPPLEMENTARY INFORMATION: The meeting and the tour is open to the public. Summary minutes of the Board meeting will be maintained in the district office and will be available for public inspection within 30 days following the meeting.

Mike Karbs,

Acting District Manager.

April 14, 1989.

[FR Doc. 89–9751 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–22–M

[WY–060–4320–12–2411]

Casper District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Casper District Advisory Board.

SUMMARY: The Casper District Grazing Advisory Board will meet May 17, 1989 for a joint tour of public lands together with the Casper District Advisory Council and will reconvene May 18, 1989 at 9:00 a.m. at the Casper District Office, 1701 East "E" Street, Casper, Wyoming. The joint session/tour will begin at 1:00 p.m. at the Casper District Office with comments from Wyoming's new State Director Ray Brubaker, followed by a tour of a recreational site, and grazing and riparian areas located within the jurisdiction of the Platte River Resource Area.

The agenda items for the May 18 business session of the Grazing Advisory Board are as follows: (1) Progress report on range improvement projects; (2) presentation and approval of proposed range improvement projects; (3) report on the district weed control program; and (4) reports on allotment management plans by resource areas and any other items raised for discussion by the board or members of the public. The public comment period is scheduled for 10:00 a.m. May 18, 1989. Interested persons may testify or submit written statements for Board consideration.

FOR FURTHER INFORMATION CONTACT: Kate DuPont, Public Affairs Specialist, or Bruce Daughton, Range Conservationist at 307–261–5101.

SUPPLEMENTARY INFORMATION: The meeting is held in accordance with section 3, Executive Order 12548 of February 14, 1986. The meeting and the tour is open to the public. Summary minutes of the Board meeting will be maintained in the district office and will be available for public inspection within 30 days following the meeting.

Mike Karbs,

Acting District Manager.

April 14, 1989.

[FR Doc. 89–9752 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–22–M

[ID–040–4320–10]

Salmon District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held Wednesday, May 24, 1989 at 10:00 a.m.

ADDRESS: The meeting will be held at the Salmon District Office, Bureau of Land Management, Conference Room, South Highway 93, Salmon, Idaho 83467.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Pub. L. 92–463. The meeting is open to the public; public comments on agenda items will be accepted from 11:00 to 11:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467 by May 19, 1989.

The purpose of the meeting is to discuss a Range Readiness Policy for the Salmon District.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:15 p.m.) within 30 days after the meeting.

For further information, contact: Roy S. Jackson, District Manager, Bureau of Land Management, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467, phone (208) 756–5400.

Dated: April 13, 1989.

Roy S. Jackson,

District Manager.

[FR Doc. 89–9753 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–gg–M

[WY–930–09–4212–24; WYW 114330]

Filing of Application for Conveyance of Federally-Owned Mineral Interests; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice correction.

This notice will correct the Notice of Filing of Application for Conveyance of Federally-Owned Mineral Interests published in Vol. 54, No. 35, Thursday, February 23, 1989, page 7889. The Notice is corrected by changing the following legal description:

Sixth Principal Meridian, Wyoming

In T. 35 N., R. 111 W., Sec. 7, delete previously published legal description and replace with the NE¼, NE¼SE¼.

John A. Naylor,

Chief, Branch of Land Resources.

Date: April 14, 1989.

[FR Doc. 89-9757 Filed 4-21-89; 8:45 am]

BILLING CODE 4310-22-M

[WY-930-09-4212-24; WYW 114327]

Filing of Application for Conveyance of Federally-Owned Mineral Interests; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice correction.

This notice will correct the Notice of Filing of Application for Conveyance of Federally-Owned Mineral Interests published in Vol. 54, No. 36, Friday, February 24, 1989, page 8003. The Notice is corrected by changing the following legal description:

Sixth Principal Meridian, Wyoming

In T. 35 N., R. 111 W., add Sec. 6, W½SE¼.

John A. Naylor,

Chief, Branch of Land Resources.

Date: April 14, 1989.

[FR Doc. 89-9758 Filed 4-21-89; 8:45 am]

BILLING CODE 4310-22-M

[Designation Order ID-040-8901 and ID-040-4333-08]

Idaho Off-Road Vehicle Designations

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decisions.

Decision: Notices is hereby given realting to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer.

The 499,566 acre area affected by the designations is known as the Lemhi Resource Area, which includes all public lands in Lemhi County, Idaho. These designations are a result of resource management decisions made in the 1986 Lemhi Resource Management Plan Final EIS. Comments received from public meetings, workshops, and numerous written responses influenced the designation decisions. This designation order supersedes interim off-road vehicle designations which were made prior to development of the 1986 Resource Management Plan. These designations are published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals.

A. *Open Designation.* Areas which are designated open comprise 422,744 acres. Open designation was determined to be appropriate for these public lands since off-road vehicle use is an important recreational activity and is essential for the conduct of other authorized resource uses.

B. *Limited Designation.—1. Limited Season of Use—16,230 acres.* The Agency, Cow, Warm Springs, and Kenney Creek drainages are approximately 15 miles southeast of Salmon, Idaho. The area is open to motorized use from May 16 to November 14 and closed to snowmobile use from November 15 to May 15 to protect wintering wildlife. The Agency Creek and Warm Springs wood roads, which pass through the area, are not closed and allow snowmobilers to pass through the closure area and access the high meadows along the Continental Divide.

2. Limited Area of Use—24,922 acres. The Eighteenmile Wilderness Study Area is approximately 15 miles southeast of Leadore, Idaho. Motorized vehicle use is limited to existing roads and trails. The limited designation is an interim step in the wilderness study process.

3. Limited Season of Use—4,500 acres. The Henry Creek Road, which is approximately nine miles south of Salmon, Idaho, will be open to motorized use from April 11 to September 19. From September 20 to April 10 the area will be closed to improve watershed quality.

4. Limited Use Area—1,064 acres. The Sevenmile Area of Critical Environmental Concern (ACEC) is located seven miles south of Salmon, Idaho. Use will be limited to authorized vehicles only to protect soil and watershed and land users. The area is extremely erodible and unstable.

5. Limited Use Area—680 acres. The Chief Tendoy Cemetery, located approximately 20 miles southeast of Salmon, Idaho, is limited to use on authorized roads only to protect cultural values.

C. *Closed Areas.* 1. The 236 acre Trail Creek ACEC is located approximately 12 miles west of Lemhi, Idaho. All motorized vehicle use is prohibited in this area to preserve the unroaded old growth timber/riparian habitat and to provide additional protection to premier elk habitat.

2. The 1200 acre Tendoy area, located approximately 20 miles southeast of Salmon, Idaho, is closed to all motorized vehicle use to protect the public land user because the area is extremely steep and hazardous.

The impacts of these designations were assessed and analyzed in the Lemhi Resource Management Plan and Final Environmental Impact Statement and is available for inspection at the offices listed below.

ADDRESS: For further information about and maps of these designations, contact either of the following Bureau of Land Management officials:

District Manager, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467

Lemhi Area Manager, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467

Roy S. Jackson,

Authorized Officer.

Dated: April 12, 1989.

[FR Doc. 89-9755 Filed 4-21-89; 8:45 am]

BILLING CODE 4310-99-M

[AK-040-09-4333-10]

Designation of Off-Road Vehicle Closure of the Campbell Tract Facility

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of designation of off-road vehicle (ORV) closure of the Campbell Tract Facility.

SUMMARY: This notice of designation of an ORV closure applies to all lands and waters within the Campbell Tract Facility, a 730-acre Bureau of Land Management administrative site located within the Municipality of Anchorage, Alaska.

This order is issued pursuant to 43 CFR Part 8342 and in accordance with the authority and requirements of Executive Order 11644 and 11989. It implements a provision of "A Management Plan for Public Use and Resource Management on the Bureau of Land Management Campbell Tract Facility", which was approved in June, 1988, and which included public notice and meetings and a public comment period. This order will remain in effect until rescinded or modified by the Anchorage District Manager.

The Campbell Tract Facility is closed to all ORV use. Security of the administrative site, conflicts with non-motorized recreation use of the tract, and ORV damage to trails on the tract

are cited in the management plan referenced in the previous paragraph as rationale for the closure. The closure is not applicable to federal, state, or local law enforcement officers, members of organized search and rescue or fire suppression forces, or other federal officials in the performance of an official duty. Signs will be placed at major access points to notify the public of the closure to ORv use. Maps identifying the area are available at the office listed below. Operators of ORVs in violation of this designation are subject to the penalties prescribed in 43 CFR 8340.0–7. Direct questions to: Anchorage District Manager, Bureau of Land Management, 6881 Abbott Loop Road, Anchorage, Alaska 99507, (907) 267–1246.

Richard J. Vernimen,

Anchorage District Manager.

[FR Doc. 89–9705 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–84–M

[AZ–920–09–4214–10; A–23595]

Proposed Withdrawal and Opportunity for Public Meeting; Arizona

April 13, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service proposes to withdraw 1,141.68 acres of Federal mineral estate located under recently acquired land within the Leslie Canyon Unit of the San Bernardino National Wildlife Refuge near Douglas, Arizona. This notice segregates the land for up to 2 years from location and entry under the U.S. mining laws. The mineral estate will remain open to mineral leasing.

DATE: Comments and requests for a public meeting must be received by July 24, 1989.

ADDRESS: Comments and meeting requests should be sent to the Arizona State Director, BLM, P.O. Box 16563, Phoenix, Arizona 85011.

FOR FURTHER INFORMATION CONTACT: John Gaudio, BLM Arizona State Office, (602) 241–5534.

SUPPLEMENTARY INFORMATION: On April 12, 1989, a petition was approved allowing U.S. Fish and Wildlife Service to file an application to withdraw the Federal mineral estate in the following described land from location and entry under the United States mining laws, subject to valid existing rights:

Gila and Salt River Meridian

T. 21 S., R. 28 E.,

Sec. 17, that portion of the SW¼ lying southwest of a diagonal line which runs from the west one-quarter corner to the south one-quarter corner of said sec. 17;

Sec. 20, N½, SE¼;

Sec. 21, lots 3, 4, and 5;

Sec. 28, NW¼, N½SW¼, that portion of the NW¼SE¼ lying southwest of a diagonal line which runs from the center one-quarter corner to the southeast one-sixteenth corner of said sec. 28;

Sec. 29, E½E½, NW¼NE¼.

The area described contains 1,141.68 acres in Cochise County.

The purpose of the proposed withdrawal is to provide protection of unique ash-willow-cottonwood riparian habitat populated by the endangered Sonoran topminnow and Yaqui chub from disturbances resulting from mining activity.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given than an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer, in care of the address above, within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this Notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date.

John T. Mezes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 89–9750 Filed 4–21–89; 8:45 am]

BILLING CODE 4310–22–M

Minerals Management Service

Royalty Management Advisory Committee; Meeting

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that the Royalty Management Advisory Committee (Committee) will hold a meeting in Denver, Colorado, at the location and on the dates indicated below. This meeting is being held for the purpose of MMS briefings and Committee discussion regarding the following:

- The results of constituents' review of Royalty management Program (RMP) mission performance and options for change.
- Update on Production Accounting and Auditing System onshore implementation.
- Extraordinary cost allowances for valuation purposes.
- Revenue neutrality of revised oil and gas product valuation regulations.

The Committee will make recommendations to the Secretary of the Interior (Secretary) as appropriate.

LOCATION AND DATE: The Advisory Committee meeting will be held at the Denver Hilton South, 7801 East Orchard Road, Englewood, Colorado 80111, on June 22 and 23, 1989. The Committee will meet from 8 a.m. to 5 p.m. on June 22 and from 8 a.m. to 3 p.m. on June 23. An evening session on June 22 will be scheduled during the day session if it is deemed necessary by the Committee chairman and members. For overnight accommodations at the Denver Hilton South, call 1–800–327–2242 or (303) 779–6161.

The meetings will be open to the public. Public attendance may be limited by the space available. Members of the public will be given an opportunity to address the Committee, and questions from the public will be addressed at a designated time during each session. Written statements should be submitted by June 15, 1989, to the address listed below. Minutes of this meeting will be available for public inspection and copying by July 31, 1989, at the same address.

FOR FURTHER INFORMATION CONTACT: Vernon B. Ingraham, Minerals Management Service, Royalty Management Program, Office of External Affairs, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 651, Denver, Colorado 80225, telephone number (303) 231–3360, (FTS) 326–3360.

SUPPLEMENTARY INFORMATION: The Committee was established for a 2-year period by the Secretary in 1985 to provide advice and recommendations on different RMP elements. The charter was renewed for an additional 2-year period in 1987. The Committee has 27 members appointed by the Secretary,

representing RMP constituent interests, including Indian Tribes and allottees, State governments, and the minerals industry.

Date: April 18, 1989.

Barry A. Williamson,

Director, Minerals Management Service.

[FR Doc. 89-9718 Filed 4-21-89; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Kobuk Valley Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Alaska Region, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Alaska Regional Office of the National Park Service announces a forthcoming meeting of the Kobuk Valley Subsistence Resource Commission. The following agenda items will be discussed:

(1) Call to order
(2) Introduction of guests
(3) Invocation
(4) Review of minutes from last meeting
(5) Commission member appointment
(6) Update of National Park Service plans/activities
(7) Recent court rulings on Subsistence
(8) Subsistence hunting plans
  (a) Review of past recommendations
  (b) New recommendations
  (c) Commission recommendations for future research
(9) Old and New Business
(10) Adjourn.

DATE: The meeting will begin at 1:00 p.m. on May 8, 1989, and conclude the afternoon of May 9, 1988.

ADDRESS: The meeting will be held at the Chukchi Community College.

FOR FURTHER INFORMATION CONTACT: Alan Eliason, Superintendent, Northwest Areas, P.O. Box 1029, Kotzebue, Alaska 99752, Phone (907) 442-3890.

SUPPLEMENTARY INFORMATION: The Kobuk Valley Subsistence Resource Commission is authorized under Title VIII, section 808, of the Alaska National Interest Lands Convervation Act, Pub. L. 96-487.

Paul F. Haertel,

Acting Regional Director.

[FR Doc. 89-9712 Filed 4-21-89; 8:45 am]

BILLING CODE 4310-70-M

Cape Krusentern National Monument Subsistence Resource Commission; Meeting

AGENCY: National Park Service, Alaska Region, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Alaska Regional Office of the National Park Service announces a forthcoming meeting of the Cape Krusenstern National Monument Subsistence Resource Commission. The following agenda items will be discussed:

(1) Call to order
(2) Introduction of guests
(3) Invocation
(4) Review of minutes from last meeting
(5) Update of National Park Service plans/activities
(6) Subsistence and legal changes
  (a) Lime village case
  (b) Federal and state court rulings
(7) Subsistence hunting plans
  (a) Review of past recommendations
  (b) New recommendations
  (c) Commission recommendations for future research
(8) Old and New Business
(9) Adjourn

DATE: The meeting will begin at 1:00 p.m. on May 11, 1989, and conclude the afternoon of May 12, 1989.

ADDRESS: The meeting will be held at the Chukchi Community College.

FOR FURTHER INFORMATION CONTACT: Alan Eliason, Superintendent, Northwest Areas, P.O. Box 1029, Kotzebue, Alaska 99752, Phone (907) 442-3890.

SUPPLEMENTARY INFORMATION: The Cape Krusenstern Subsistence Resource Commission is authorized under Title VII, section 808, of the Alaska National Interest Lands Act, Pub. L. 96-487.

Paul F. Haertel,

Acting Regional Director.

[FR Doc. 89-9713 Filed 4-21-89; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-316X]

Angelina and Neches River Railroad Co.—Abandonment Exemption—in Angelina County, TX

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 4.0-mile line of railroad between milepost 629.0 and milepost 633.0 in Angelina County, TX.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on May 24, 1989 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an offer of financial assistance under 49 CFR 1152.27(c),[2] and trail use/rail banking statements under 49 CFR 1152.29 must be filed by May 4, 1989.[3] Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by May 15, 1989, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter A. Greene, Thompson, Hine, and Flory, 1920 N Street, NW., Washington, DC 20036.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environment in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 4 I.C.C. 2d 400 (1988). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C. 2d 164 (1987), and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440-48446).

[3] The Commission will accept a late-filed trail use statement so long as it retains jurisdiction to do so.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by April 28, 1989. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275–7316. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: April 14, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89–9698 Filed 4–21–89; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31409]

Davenport, Rock Island & North Western Railway Co.— Joint Project for the Relocation of a Line of Railroad and Trackage Rights Exemptions— Burlington Northern Railroad Co.

On March 30, 1989, Davenport, Rock Island and North Western Railway Company (DRI)[1] filed a notice of exemption under 49 CFR 1l00.2(d) (5) and (7) for the acquisition of overhead trackage rights over the line of Burlington Northern Railroad Company (BN) from approximately Twenty-Ninth Street in Rock Island, IL to a point near Seventh Street in East Moline, IL. The trackage rights will become effective on or before July 1, 1989.

The joint project involves the relocation of a line of railroad that does not disrupt service to shippers, and, incidental thereto, the abandonment of DRI's existing line and construction of connecting track. The Commission will assume jurisdiction over the abandonment and discontinuance components of a relocation project only in cases where the proposal involves, for example, a change in service to shippers, expansion into new territory, or a change in existing competitive situations. *See, generally Denver & R.G.W.R. Co.—Jt. Proj.—Relocation Over BN*, 4 I.C.C.2d 95 (1987). Under these standards, the abandonment and construction of track are not subject to the Commission's jurisdiction. The remainder of the joint relocation project, involving the acquisition of overhead trackage rights, qualifies under the class exemption procedures at 49 CFR 1180.2(d) (5) and (7).

Use of this exemption will be conditioned on appropriate labor protection. Any employees affected by the trackage rights agreement will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on:

Larry D. Starns, Soo Line Railroad Company, 1000 Soo Line Building, 105 South 5th Street, Minneapolis, MN 55402

William R. Power, Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, TX 76102.

Dated: April 18, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89–9697 Filed 4–21–89; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act in United States v. Chevron Chemical Co., et al.

In accordance with Departmental policy, 28 CFR 50.7, and pursuant to section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. 9622(i), notice is hereby given that on April 6, 1989, a proposed Consent Decree in *United States* v. *Chevron Chemical Company, et al.*, was lodged with the United States District Court for the Middle District of Georgia. The Complainant in this case sought cost recovery pursuant to section 107 of CERCLA, 42 U.S.C. 9607. The Complaint was filed on December 2, 1987, against Chevron Chemical Company ("Chevron"), Billy Mitchell ("Mitchell"), and Kova Fertilizer, Inc. ("Kova"). Each defendant was a past owner/operator of the site in question.

The site involved in the case is the Marzone Chemical Company facility, which is located on a three-acre tract of land in Tifton, Georgia. The site was operated by Chevron as an agricultural chemicals formulating facility from 1950 to 1970. Subsequent owners of the site, including Mitchell, used the facility for formulating pesticides, until it was closed in 1987.

The proposed Consent Decree provides that defendants Chevron, Mitchell and Kova will reimburse the United States $440,000 in past response costs, which is the entire amount expended by the Environmental Protection Agency for immediate removal of hazardous substances at the site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. The Department of Justice will consider any comments in determining whether or not to consent to the proposed settlement and may withdraw its consent to the proposed settlement if such comments disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, improper or inadequate. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Chevron, et al.*, DOJ Ref. No. 90–11–3–274.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Middle District of Georgia, Old Post Office Building, Room 303, Mulberry & 3rd Streets, Macon, Georgia 31202, and the Office of the Regional Counsel, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, Department of Justice, 9th Street and Pennsylvania Avenue NW., Washington, DC 20530. In requesting a copy, please enclose a check in the

[1] DRI is jointly owned by Burlington Northern Railroad Company and Soo Line Railroad Company.

amount of $7.50 payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-9760 Filed 4-21-89; 8:45 am]

BILLING CODE 4410-10-M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *City of Metropolis, Illinois* has been lodged with the United States District Court for the Southern District of Illinois. The consent decree addresses the City of Metropolis, Illinois', alleged violations of the Clean Water Act and the effluent limits set forth in its NPDES permit.

The proposed Consent Decree requires the City of Metropolis, in accordance with schedules set forth in the decree, to secure the necessary funding, correct its combined sewer overflow structure, rehabilitate its existing sewer system and construct the additional facilities described in its Municipal Compliance Plan ("MCP") as approved by the Illinois Environmental Protection Agency ("IEPA") on October 29, 1985. Metropolis shall achieve and thereafter maintain compliance with the terms of its NPDES permit and the Clean Water Act in accordance with the MCP and the decree. The Consent Decree also provides for the payment of a civil penalty of $17,500.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Metropolis* D.J. Ref. 90-5-1-1-3174.

The proposed Consent Decree may be examined at the office of the United States Attorney, Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois 62201 and at the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the Consent Decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1748, Ninth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please refer to the referenced case name and D.J. Ref. number and enclose a check in the amount of $1.70 (ten cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-9761 Filed 4-21-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on April 5, 1989, a proposed First Amended Consent Order in *United States v. City of Rochester, Indiana,* Civil Action S 84-0469 (N.D. Indiana), was lodged with the United States District Court for the Northern District of Indiana. The proposed First Amended Consent Order resolves a judicial enforcement action brought by the United States against the City of Rochester, Indiana ("City" or "Rochester"), under the Clean Water Act ("Act") to enforce compliance under 33 U.S.C. 1251 *et seq.* of the Act and with the terms and conditions of the City's National Pollutant Discharge Elimination System ("NPDES") Permit, Permit Number IN 0021661, at its publicly owned (wastewater) treatment works located at Rural Route 3, Monticello Road, Rochester, Indiana.

The proposed First Amended Consent Order establishes a new compliance schedule for additions to the City's wastewater treatment plant, requires full compliance with Rochester's NPDES permit by October 1, 1989, provides a sewer ban on all sewer connections until compliance with the effluent limitations in the City's NPDES permit is met and provides for payment of civil penalties by the City of $25,000, in three installments over six months following the entry of the First Amended Consent Order.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed First Amended Consent Order. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, U.S. Department of Justice, Washington, DC and should refer to *United States v. City of Rochester, Indiana,* D.J. Ref. 90-5-1-1-2138A.

The proposed First Amended Consent Order may be examined at the office of the United States Attorney, Federal Building, 4th Floor, 507 State Street, Hammond, Indiana 46320-1577 and at the Region V Office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Copies of the First Amended Consent Order may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1748, Tenth Street and Pennsylvania Avenue NW., Washington, DC 20530. A copy of the proposed First Amended Consent Order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.50 (10 cents per page reproduction cost) payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-9756 Filed 4-21-89; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Controlled Substances; Proposed Revised 1989; Aggregate Production Quotas

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of proposed revised 1989 aggregate production quotas.

SUMMARY: This notice proposes revised 1989 aggregate production quotas for controlled substances in Schedule II of tne Controlled Substances Act. Since the establishment of the 1989 aggregate production quotas on October 20, 1988 (53 FR 41253), DEA has reviewed data submitted by the registered manufacturers concerning 1988 dispositions and year-end inventories and has determined that revisions of some of the previously established quotas are necessary.

DATE: Comments or objections should be received on or before May 24, 1989.

ADDRESS: Send comments or objections to the Administrator, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Attn: DEA **Federal Register** Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act (21

U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year.

This responsibility has been delegated to the Administrator of the DEA pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On October 20, 1988, a notice of the 1989 established aggregate production quotas was published in the **Federal Register** (53 FR 41253). The notice stipulated that the Administrator of the DEA would adjust the quotas in early 1989, as provided in Title 21, Code of Federal Regulations, § 1303.23(c). These aggregate production quotas represent those amounts of controlled substances that may be produced in the United States in 1989 and do not include amounts which may be imported for use in industrial processes.

Based on a review of 1988 year-end inventories, 1988 disposition data submitted by quota applicants, estimates of the medical needs of the United States submitted to the DEA by the Food and Drug Administration and other information available to DEA, the Administrator of the DEA, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, hereby proposes the following changes in the 1989 aggregate production quotas for the listed controlled substances, expressed in grams of anhydrous acid or base:

Schedule II	Previously established 1989 aggregate production quota	Proposed revised 1989 aggregate production quota
Amobarbital	213,000	160,000
Amphetamine	328,000	352,000
Codeine (for conversion)	4,528,000	5,194,000
Desoxyephedrine	1,318,000	1,487,000
Levodesoxyephedrine	1,281,000	1,487,000
Methamphetamine	37,000	0
Dextropropoxyphene	78,338,000	82,381,000
Dihydrocodeine	535,000	269,000
Diphenoxylate	810,000	948,000
Fentanyl	40,000	18,600
Hydrocodone	2,507,000	3,244,000
Hydromorphone	197,000	221,000
Levorphanol	13,600	11,000
Methadone	1,441,000	1,856,000
Methadone Intermediate	1,802,000	2,320,000
Methamphetamine (for conversion)	1,500,000	965,000
Mixed Alkaloids of Opium	9,200	7,000
Morphine (for sale)	3,208,000	3,634,000
Oxycodone (for sale)	2,329,000	2,452,000
Pentobarbital	11,777,000	13,219,000
Phenylacetone	617,000	1,198,000
Secobarbital	1,288,000	545,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above-mentioned substances without filing comments or objections regarding the others. If a person believes that one or more of these issues warrants a hearing, the individual should so state and summarize the reasons for this belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by a notice in the **Federal Register**, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to section 3(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment of annual aggregate production quotas for Schedules I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

John C. Lawn,

Administrator, Drug Enforcement Administration.

Dated: April 5, 1989.

[FR Doc. 89-9661 Filed 4-21-89; 8:45 am]

BILLING CODE 4410-09-M

Controlled Substances: Establishment of 1989 Aggregate Production Quota for Methaqualone

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of an established 1989 aggregate production quota.

SUMMARY: This notice establishes the 1989 aggregate production quota for methaqualone, a Schedule I controlled substance.

DATE: This order is effective April 24, 1989.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, 1405 I Street NW., Washington, DC 20537, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act, (21 U.S.C. 826), requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On February 7, 1989, a notice proposing to establish a 1989 aggregate production quota for methaqualone was published in the **Federal Register** (54 FR 6040). All interested persons were invited to comment on or object to the proposal on or before March 9, 1989. No comments or objections were received.

Pursuant to section (3)(c)(3) and 3(e)(2)(C) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. The establishment of annual production quotas for Schedules I and II controlled substances is mandated by law and by international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Therefore, under the authority vested in the Attorney General by section 306 of the Controlled Substances Act of 1970 (21 U.S.C., 826) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that the 1989 aggregate production quota for methaqualone, expressed in grams of anhydrous base, be established as follows:

Basic Class	1988 Aggregate Production Quota (grams)
Schedule I	
Methaqualone	

John C. Lawn,

Administrator, Drug Enforcement Administration.

Dated: April 10, 1989.

[FR Doc. 89-9662 Filed 4-21-89; 8:45 am]

BILLING CODE 4410-09-M

[Docket Nos. 88-43 and 88-48]

Thrifty Discount Center & Pharmacy, Inc. and Ashton Discount Pharmacy; Revocation of Registrations

On March 24, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Thrifty Discount Center & Pharmacy, Inc., of 19100 E. Ten Mile Road, Detroit, Michigan, seeking to revoke DEA Certificate of Registration AT3111236 and deny any pending applications for renewal of such registration. The statutory basis for the proposed action was that the continued registration of Thrifty Discount Center & Pharmacy would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 21 U.S.C. 824(a)(4).

On March 24, 1988, the Deputy Assistant Administrator also issued an Order to Show Cause to Ashton Discount Pharmacy of 18201 Schoolcraft, Detroit, Michigan, seeking to revoke DEA Certificate of Registration BA0205612, and to deny any pending applications for renewal of that registration on the ground that the pharmacy's continued registration would be inconsistent with the public interest.

Thrifty Discount Center & Pharmacy and Ashton Discount Pharmacy are operated by registered pharmacists Ronald Stewart and Larry Cobb. Messrs. Stewart and Cobb each own a fifty percent interest in Thrifty Discount Center and each own a one-third interest in Ashton Discount Pharmacy.

Counsel for the pharmacies filed a request for a hearing on the issues raised in the Orders to Show Cause, and the matters were placed on the docket of Administrative Law Judge Mary Ellen Bittner. Government counsel requested that the matters be joined to avoid unnecessary repetition during the hearing process. No objection was filed and the matters were scheduled for one hearing to be held on November 3, 1988. On October 21, 1988, counsel for Thrifty Discount Center & Pharmacy filed a motion for a continuance and the hearing was rescheduled for February 28, 1989. On January 20, 1989, counsel for Thrifty Discount Center and counsel for Ashton Discount Pharmacy withdrew their request for a hearing and requested that the proceedings be terminated. As a result, the hearing was cancelled and the proceedings were terminated before the Administrative Law Judge on January 26, 1989. Accordingly, the Administrator enters this final order based on the investigative files. 21 CFR 1301.54(c) and 1316.67.

The Administrator finds that on March 6, 1985, a pharmacy inspector from the Michigan Department of Licensing and Regulation conducted an audit of the Schedule II controlled substances at Thrifty Discount Center & Pharmacy. The audit results for a two-year period revealed substantial unexplained shortages which included the following: 13,102 tablets of Percodan, 6,397 tablets of Desoxyn, 3,402 tablets of Demerol 100 mg., 2,351 tablets of Demerol 50 mg., 2,783 tablets of Dilaudid 2 mg., 2,700 tablets of Dilaudid 4 mg., 1,649 tablets of Ritalin, and 1,018 tablets of Dexedrine 15 mg. The prescription files were also reviewed for the period between March 6, 1983 and March 6, 1985. There were 141 prescriptions for either Preludin 75 mg. or Dilaudid which bore the name of R.W. Helmich, M.D. as prescriber. On June 11, 1985, Dr. Helmich reviewed all 141 prescriptions and stated that he had not issued any of them. He further stated that the names on the prescriptions were not those of any of his patients.

The Administrator further finds that Messrs. Stewart and Cobb were the former owners and pharmacists at Daily Discount Pharmacy, Inc., which was located at 13505 W. Six Mile, Detroit, Michigan. A pharmacy inspector with the Michigan Department of Licensing and Regulation conducted an audit of controlled substances at Daily Discount Pharmacy. The audit results for a two-year period showed excessive unexplained shortages and overages of controlled substances. Among these were a shortage of 9,767 tablets of Percodan, which represented 50.64 percent of the amount of this drug for which the pharmacy was accountable; a shortage of 1,459 tablets of Ritalin 10 mg., which represented 47.06 percent of the amount of this drug for which the pharmacy was accountable; a shortage of 522 tablets of Dexedrine 15 mg., which represented 96.30 percent of the total accountable; and 443 tablets of Demerol 50 mg. which represented 61.1 percent of the total accountable. Several controlled substances showed overages, the records indicating that the pharmacy could account for more of a specific controlled substance than was available. Such shortages and overages show, at the very least, that Messrs. Stewart and Cobb failed to adequately maintain the records required by law to be kept at the pharmacy.

The prescription files at Daily Discount Pharmacy were also reviewed. The majority of prescriptions filled were fraudulent. Between April 9, 1983 and January 26, 1984, 233 Schedule II prescriptions bearing the name William O. Mays, M.D., as the prescriber were filled at Daily Discount Pharmacy by either Mr. Stewart or Mr. Cobb. On October 8, 1985, Dr. Mays examined the prescriptions and stated that he had not authorized or issued any of them. He further stated that the names on the prescriptions were not those of any of his patients. Between March 10, 1983 and April 25, 1983, 58 prescriptions for Schedule II controlled substances which bore the name Farouq Samhouri, M.D., as prescriber were filled at Daily Discount Pharmacy by Mr. Stewart. Dr. Samhouri examined the prescriptions and stated that he had not issued any of them. He further stated that the names on the prescriptions were not those of any of his patients. Several other doctors were also contacted concerning prescriptions filled at Daily Discount Pharmacy. They stated that they had not issued, nor authorized, any of the prescriptions and further that the names on the prescriptions were not those of any of their patients.

The Administrator further finds that the FBI conducted an investigation of Messrs. Stewart and Cobb. In June 1984, a cooperating individual reported that for several years Mr. Stewart had been filling fraudulent prescriptions for controlled substances for him. On several occasions in June 1984, the cooperating individual, while under surveillance by the FBI, presented prescriptions for Percodan in fictitious names to Mr. Stewart who filled the prescriptions. The prescriptions were presented at Daily Discount Pharmacy and Thrifty Discount Pharmacy.

In the fall of 1985, the FBI conducted court-authorized telephone wiretaps of several individuals suspected of being

involved with the illegal sale and distribution of controlled substances. During the course of the wiretaps, Mr. Cobb and an individual named Henry Chaney had numerous telephone conversations regarding the illegal sale of controlled substances. Henry Chaney is currently incarcerated on drug-related offenses.

The Administrator also finds that the FBI conducted an investigation of the Kaze Clinic, a sham medical clinic, in 1983. During the course of the investigation, FBI Agents learned that Mr. Stewart provided guidance and counselling to an individual involved in establishing the Kaze Clinic. FBI Agents were also advised that Mr. Stewart had filled prescriptions written by employees of the Kaze Clinic. When interviewed by the FBI, Mr. Stewart admitted that he knew that the Kaze Clinic was a "prescription mill" clinic. He also admitted that he referred an individual to a printer to have business cards and prescription pads printed in furtherance of the scheme. As a result of his knowledge of the Kaze Clinic's illegal activities, Mr. Stewart was charged with and pled guilty to misprision of a felony in violation of 18 U.S.C. 4. On November 21, 1985, he was sentenced to nine months incarceration, sentence suspended, and was placed on one year probation and fined $500.00.

The Administrator finds that Thrifty Discount Center & Pharmacy and Daily Discount Center could not account for significant amounts of Schedule II controlled substances. Further, Messrs. Stewart and Cobb dispensed substantial amounts of Schedule II controlled substances pursuant to prescriptions which they knew, or should have known, were fraudulent. In determining whether a registration is inconsistent with the public interest, the Administrator must consider the factors set out in 21 U.S.C. 823(f) and 824(a)(4). The pharmacies' failure to account for large quantities of controlled substances is relevant for consideration under two factors: the registrant's experience in dispensing controlled substances, and the registrant's compliance with applicable State, Federal, and local laws dealing with controlled substances. 21 U.S.C. 823(f)(2) and (f)(4). There is no question that Messrs. Stewart and Cobb, registered pharmacists and owners of Thrifty Discount Center and Pharmacy and Ashton Discount Center, have failed to comply with the laws and regulations which govern the handling of controlled substances. Compliance with such laws and regulations is essential to insure that adequate control is maintained to prevent the diversion of controlled substances from legitimate channels. Instead, both Messrs. Stewart and Cobb have demonstrated their inability to properly operate registered pharmacies in the manner prescribed by Federal laws and regulations. Significant controlled substances violations occurred at the pharmacies operated by these individuals, all of which were committed by Messrs. Stewart and Cobb themselves. They have demonstrated over a protracted period of time that they cannot be trusted to handle controlled substances responsibly.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AT3111236, previously issued to Thrifty Discount Center & Pharmacy, Inc., and DEA Certificate of Registration BA0205612, previously issued to Ashton Discount Pharmacy, be, and they hereby are, revoked. It is further ordered that any pending applications for renewal of said registrations be, and they hereby are, denied. This order is effective May 24, 1989.

Dated: April 17, 1989.

John C. Lawn,
Administrator.

[FR Doc. 89-9663 Filed 4-21-89; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 88-61]

Andrew Mobley, Inc., d/b/a Medicine Shoppe; Revocation of Registration

On June 27, 1988, the Administrator of the Drug Enforcement Administration (DEA), issued an Order to Show Cause and Immediate Suspension of Registration to Andrew Mobley, Inc., d/b/a Medicine Shoppe (Respondent), of 3402 South Dale Malbry, Tampa, Florida, proposing to revoke DEA Certificate of Registration BA0453807, and to deny any pending applications for renewal of the registration on the grounds that the pharmacy's registration was inconsistent with the public interest and that Andrew Mobley, R.Ph., the owner and registered pharmacist at Medicine Shoppe, was convicted of a felony offense relating to controlled substances. The order also immediately suspended the registration on the ground that the pharmacy's continued registration posed an imminent danger to the public health and safety. The Order to Show Cause alleged that: (1) On January 6, 1988, Mr. Mobley was convicted, after entering a plea of guilty, of falsifying controlled substance prescriptions; (2) while serving his criminal sentence, Mr. Mobley took quantities of controlled substances from Medicine Shoppe for other than legitimate medical purposes and not pursuant to legitimate prescriptions, and produced fraudulent prescriptions to conceal his activities; (3) in 1986, the pharmacy ordered and dispensed an excessive quantity of cocaine, and a subsequent investigation revealed that Mr. Mobley dispensed the entire amount of cocaine pursuant to two fraudulent prescriptions. The prescriptions were not issued by the physician whose name appeared on them, the patient listed had been dead for more than 30 years, and the DEA registration number used was invalid; (4) an accountability audit performed at the pharmacy in March 1987, revealed excessive, unexplained shortages of most controlled substances included in the audit, as well as numerous recordkeeping violations; (5) during the execution of a criminal search warrant at the pharmacy, Mr. Mobley was found in possession of illicit controlled substances and other controlled substances he was not authorized to possess.

Respondent timely responded to the Order to Show Cause and requested a hearing on the issues raised in that Order. The matter was placed on the docket of Administration Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was scheduled to be held in Tampa, Florida on January 5, 1989.

On November 17, 1988, counsel for Respondent wrote to Government counsel advising her that on November 14, 1988, Mr. Mobley's pharmacy license was suspended by the Florida Department of Professional Regulation for a period of five years. Respondent's counsel also stated that, based upon the suspension "[t]he hearing [in this proceeding] set for January 5, 1989, would appear to be moot."

On December 21, 1988, Government counsel filed a motion to terminate and motion for summary disposition, claiming that: (1) Respondent's counsel's letter implied that Respondent effectively waived the opportunity for a hearing; and (2) Government counsel's telephone calls to Respondent's counsel seeking to ascertain whether Respondent still desired a hearing were not returned. In the alternative, Government counsel moved for summary disposition on the grounds that Mr. Mobley's pharmacist license was suspended and Respondent's state pharmacy permit was returned to the Florida Department of Professional Regulation. On the same date, the

Administrative Law Judge issued a ruling on the motion and order denying the motion to terminate proceedings on the ground that Respondent did not explicitly waive the opportunity for a hearing. With respect to the motion for summary disposition, Judge Bittner allowed Respondent an opportunity to respond. The scheduled hearing was also cancelled. Respondent did not file a response to the motion for summary disposition.

On January 23, 1989, Judge Bittner issued her opinion and recommended ruling, findings of fact, conclusions of law and decision. Judge Bittner granted the motion for summary disposition and recommended that Respondent's DEA registration be revoked based upon the pharmacy's lack of state authority to handle controlled substances. No exceptions to the Administrative Law Judge's opinion and recommended ruling were filed. On March 1, 1989, Judge Bittner transmitted the administrative record to the Administrator for a final determination in this matter. After consideration of the entire record, the Administrator adopts the opinion and recommended ruling, findings of fact, conclusions of law and decision of the Administrative Law Judge. Pursuant to 21 CFR 1316.67, the Administrator enters this final order.

The Administrator finds that on November 14, 1988, the Florida Department of Professional Regulation, State Board of Pharmacy, suspended Andrew Mobley's pharmacist license in the State of Florida. In addition, on July 12, 1988, the Medicine Shoppe was closed and Respondent returned the state pharmacy license to the Florida Department of Professional Regulation. Therefore, Mr. Mobley is not authorized to act as a pharmacist and the pharmacy is no longer licensed to do business. Consequently, neither Mr. Mobley nor the pharmacy is authorized to handle controlled substances in the State of Florida.

Under 21 U.S.C. 823(f) and 824(a)(3), the Drug Enforcement Administration cannot maintain the registration of a pharmacy or practitioner who lacks state authority to handle controlled substances. The Administrator has consistently upheld this position. See *Wingfield Drugs, Inc.*, Docket No. 87–13, 52 FR 27070 (1987); *Robert F. Witek, D.D.S.*, Docket No. 87–54, 52 FR 4770 (1987); and *Bobby Watts, M.D.*, Docket No. 87–71, 53 FR 11919 (1988).

As the Administrative Law Judge appropriately explained, a motion for summary disposition is properly entertained and must be granted in situations such as this, in which a registrant no longer has state authorization to handle controlled substances. When no question of fact is involved, or when the facts are agreed upon, a plenary adversary proceeding is not obligatory, even though the statute prescribes a hearing. In such situations, the courts have determined that Congress did not intend administrative agencies to perform meaningless tasks. *United States v. Consolidated Mines and Smelting Co., Ltd.*, 455 F.2d 432, 453 (9th Cir. 1971); See *N.L.R.B. v. Int'l Assoc. of Bridge, Ornamental Ironworkers, AFL–CIO*, 549 F.2d 634 (9th Cir. 1977); *Alfred Tennyson Smurthwaite, M.D.*, Docket No. 77–29, 43 FR 11873 (1978); and *Philip E. Kirk, M.D.*, Docket No. 82–36, 48 FR 32887 (1983), aff'd *sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

Therefore, based upon Respondent's lack of state authority to handle controlled substances, the Administrator concludes that Respondent's DEA registration must be revoked and any pending applications for renewal must be denied. No other issues need to be considered in this matter.

Accordingly, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator of the Drug Enforcement Administration orders that DEA Certificate of Registration BA0453807, previously issued to Andrew Mobley, Inc., d/b/a Medicine Shoppe, be, and it hereby is, revoked. The Administrator further orders that any pending applications for renewal of the pharmacy's registration be, and they hereby are, denied.

This order is effective April 24, 1989.

John C. Lawn,

Administrator.

Dated April 18, 1989.

[FR Doc. 89–9709 Filed 4–21–89; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 88–42]

Henry J. Schwarz, Jr., M.D.; Denial of Application

On March 24, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Henry J. Schwarz, Jr., M.D. (Respondent), of 8534 Kennedy Boulevard, North Bergen, New Jersey, proposing to deny his pending applications for registration, executed on June 15, 1987 and September 11, 1987. The Order to Show Cause alleged that Dr. Schwarz's registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f) and 824(a)(4). Respondent timely filed a request for a hearing on the issues raised in the Order to Show Cause, and the matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner.

Government counsel and Respondent's counsel timely filed prehearing statements. Administrative Law Judge Mary Ellen Bittner issued a prehearing ruling on July 26, 1988. The prehearing ruling required that, among other things, Respondent's counsel submit expanded summaries of testimony of three witnesses by August 15, 1988. Based upon Respondent's counsel's failure to submit expanded summaries of testimony of Respondent's witnesses, on September 12, 1988, Government counsel filed a motion to strike portions of Respondent's prehearing statement and to exclude certain testimony from the administrative proceeding. On September 14, 1988, the Administrative Law Judge issued a Memorandum to Counsel granting the Government's motion, in part, but allowing Respondent's counsel to offer the excluded testimony at the administrative hearing only as an offer of proof. An administrative hearing in this matter was held on September 22, 1988, in Washington, DC.

On January 23, 1989, the Administrative Law Judge issued her opinion, recommended ruling, finding of fact, conclusions of law and decision. She recommended that Respondent's pending applications for registration be denied. No exceptions were filed and on March 1, 1989, the Administrative Law Judge transmitted the record in this proceeding to the Administrator. The Administrator has considered this record in its entirety and adopts the findings of fact, conclusions of law and recommended ruling of the Administrative Law Judge. Pursuant to 21 CFR 1316.67, the Administrator hereby issued his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that in late 1981 or early 1982, Diversion Investigators from the DEA Newark Field Division conducted a spot check investigation of several pharmacies in Northern New Jersey and discovered that Respondent issued a suspiciously large number of controlled substance prescriptions. The Diversion Investigators seized approximately 648 Schedule II controlled substance prescriptions issued by Respondent. The DEA New Field Division later turned over the seized prescriptions to the New Jersey State Bureau of Enforcement.

The New Jersey State Bureau of Enforcement initiated its investigation on September 7, 1982. As part of that investigation, the Bureau obtained Schedule II controlled substance prescriptions written by Respondent between January 1, 1980 and October 15, 1982, and subpoenaed Respondent to produce his medical records for twenty patients. After reviewing the prescriptions, Bureau Investigators compiled controlled substance prescription profiles for each of the twenty patients. Respondent advised Investigators that he wrote prescriptions for seventeen of the tweenty patients, that the prescriptions were for controlled substances requested by the patients, and that he knew at the time he issued the prescriptions that these patients were addicted or habituated to the drugs he prescribed. Respondent also admitted that he issued multiple prescriptions for the same drug to the same patient on the same date, and would often issue controlled substance prescriptions without seeing the patients. In addition, he admitted to mailing multiple prescriptions to a patient at the patient's request. Further, Respondent admitted to issuing controlled substance prescriptions to one patient in the name of his wife or girlfriend for an extended period of time.

New Jersey Bureau of Enforcement Investigators also interviewed all of Respondent's patients they were able to locate. The interviews confirmed that, among other things, Respondent prescribed controlled substances to several of his patients for other than legitimate medical purposes and outside the scope of his professional practice; he prescribed the drug to individuals he knew, or should have known, were addicted to the drug he prescribed; he prescribed controlled substances in excessive quantities and for unjustifiably extended periods of time; he prescribed controlled substances to a patient in the name of his wife or girlfriend, and falsified medical records to conceal his activities. In their report filed on July 14, 1983, the Bureau Investigators stated that in interviews with them in May 1983, Respondent maintained that he issued the prescriptions because he felt sorry for the patients; he could not say "no" to them; he was "talked" into giving the prescriptions; or he believed that he was helping the patients. Respondent also admitted that when patients came to his office to pick up controlled substance prescriptions from his nurse, the patients were billed for office visits although they were never seen by him.

A Bureau Investigator calculated that Respondent issued prescriptions for a total of 10,950 Tuinal capsules for one patient (using various fictitious names) from 1980 to 1982. If the patient had, in fact, ingested all the capsules prescribed in accordance with the directions given by Respondent, he would have only consumed 2,190 capsules during that time period. Respondent prescribed more than five times the quantity of drugs required by his own directions for use. The Investigator also calculated the "street value" of the drugs at $3.00 to $7.00 per capsule. The overprescribed amount was found to be worth between $26,280.00 and $61,320.00. It was also noted that this "patient" was recognized as an illicit drug dealer.

At the request of the New Jersey Attorney General's Office, Frank C. Snope, M.D., a prefessor of family medicine at Rutgers Medical School of New Jersey reviewed Respondent's controlled substance prescribing practices. He concluded that:

> In my professional opinion, a review of the medical records, accounts of statements by many of the patients and statements gathered from Dr. Schwarz himself, present a substantial picture of inappropriate writing of prescriptions for Controlled Dangerous Substances. While the extent of deviation varies somewhat from patient case to patient case, his authorization for patients to have access to highly addictive medications is in general deplorable and quite beyond the bounds of commonly accepted medical practice.

Based upon the results of the Bureau of Enforcement's investigation, on August 24, 1983, the New Jersey Attorney General's Office filed a verified complaint against Respondent before the New Jersey State Board of Medical Examiners. The complaint, which sought the revocation or suspension of Respondent's state medical and surgical license, was based upon Respondent's improper administration of Schedule II controlled substances. On September 24, 1983, the Medical Board temporarily suspended Respondent's medical license until an administrative hearing could be held in the matter.

The Administratve Law Judge found that Respondent appeared at an administrative hearing before the Medical Board on January 11, 1984, and pleaded no contest to the allegations in the verified complaint, but presented evidence in mitigation of penalty. The Board found that Respondent's explanations did not provide "the least excuse for the extremely serious conduct evidenced herein." The Board also concluded that Respondent had engaged in "egregious conduct" including "prescribing the drugs indicated in an indiscriminate manner not in good faith, without good medical cause, and in circumstances where he knew that illicit consumption was occurring, . . . [and] gross malpractice or gross neglect . . ." Based on its conclusions, on March 16, 1984, the Board ordered the suspension of Respondent's medical and surgical license for a period of five years, two of which were active suspension, the balance of which he would be on probation. Respondent was also required, among other things, to surrender his state and Federal controlled substance registrations, to provide charitable community service drug his probation, to obtain psychiatric care and counseling, to complete a mini-residency course in controlled substances, and to pay a monetary penalty. In compliance with the Board's order, Respondent surrendered his state and Federal controlled substance registrations in May 1984. Respondent has not possessed a valid DEA Certificate of Registration since he suffendered his previously-issued registration in May 1984.

On March 25, 1987, Respondent appeared before the New Jersey State Board of Medical Examiners on a petition for reinstatement of his controlled substance handling privileges. On May 13, 1987, the Medical Board issued an amended order permitting Respondent to reapply for his New Jersey and Federal controlled substance registrations. In the order, the Board also noted that it:

> . . . became aware that [Respondent] had renewed his CDS and DEA registrations without having secured an order from [the Medical] Board permitting him that.

The Medical Board accepted Respondent's representation that he applied for the registrations in good faith, thinking that his attorney had successfully petitioned the Board for controlled substance handling privileges. The New Jersey Department of Public Safety inadvertently issued a state controlled substance license to Respondent pursuant to his application, but when the Medical Board instructed him to return the registration, he promptly surrendered it. The Medical Board also noted that Respondent "appear[ed] to have completed all portions of the drug re-education requirements," and that it "accept[ed] [Respondent's] assertion that he now has a new and more sober understanding of CDS [controlled dangerous substance] problems and that he shall be extremely cautious in prescribing."

Respondent's probation regarding his New Jersey state medical license expired on September 24, 1988. He currently has no restriction on that license or on his New Jersey state controlled substance registration.

Although he has not possessed a valid DEA registration for several years, the Administrative Law Judge found that during the DEA administrative hearing on September 22, 1988, Respondent admitted to handling and prescribing controlled substances on more than one occasion since his surrender in May 1984. Respondent specifically admitted to ordering Demerol and morphine, both Schedule II narcotic controlled substances, for hospitalized patients. He conceded that he was not acting as a staff physician or employee of the hospital, nor was he acting under the hospital's DEA registration. Respondent also admitted to issuing at least one prescription for Valium, a Schedule IV controlled substance, since the surrender of his DEA registration. He also testified that he believed his reinstated New Jersey registration was sufficient to enable him to handle controlled substances in the state until he obtained a new DEA registration.

The Administrative Law Judge also found that on June 17, 1985, the Florida Board of Medical Examiners issued its final order revoking Respondent's medical license in that state. Also, on July 3, 1987, the Division of Professional Licensing Services of the New York State Education Department ordered the revocation of Respondent's medical license in that state. Neither his New York nor Florida State medical license has been reinstated.

At the DEA administrative hearing, Respondent testified on his own behalf and claimed that he would no longer improperly handle controlled substances, should he be granted a DEA registration. He also testified that he has implemented new office procedures with respect to prescribing controlled substances, including seeing fewer patients and spending more time with them. He also claimed that as a result of completing his "mini-residency," he now knows how to recognize drug abusers.

Respondent also presented testimony from his treating psychiatrist and a physician who shares office space with him. Respondent's psychiatrist stated that he did not think Respondent would abuse his authority to handle controlled substances again. However, he admitted that the only information he had regarding Respondent's past misconduct and current activities was obtained from Respondent's own statements to him. Further, the psychiatrist testified that he was primarily treating Respondent for depression resulting from the suspension of his medical license. The physician who shares office space with Respondent testified that Respondent has referred some patients to him and that he had no reason to question Respondent's treatment of those patients. However, he admitted he had no personal knowledge of Respondent's previous practices in handling controlled substances, nor does he supervise Respondent's current medical practice. The Administrative Law Judge did not find the testimony of either of the two physicians compelling or persuasive on the issue of whether Respondent now should be entrusted with a DEA registration.

In evaluating whether an application for a DEA Certificate of Registration should be granted, the Administrator must consider whether such registration would be consistent with the public interest. The factors which are considerd in evaluating the public interest are as follows:

(1) The recommendation of the appropriate state licensing board of professional disciplinary authority;

(2) The applicant's experience in dispensing . . . controlled substances;

(3) The applicant's conviction record under Federal or State laws relating to controlled substances;

(4) Compliance with applicable State, Federal or local laws relating to controlled substances;

(5) Such other conduct which may threaten the public health and safety. [21 U.S.C. 823(f)]

The Administrator need not make findings as to all of the factors enumerated above when evaluating each case in light of public interest considerations. Rather, he may give each factor the weight he deems appropriate. In this case, the first, second and fourth factors are relevant, with Respondent's experience in handling controlled substances being the most significant factor.

The administrative record clearly establishes that Respondent improperly handled controlled substances in the past. He prescribed controlled substances to persons he knew were addicted to them, issued prescriptions for excessive quantities or for excessive periods of time, issued prescriptions to persons he knew were obtaining them for other than legitimate medical and illicit resale purposes, prescribed to persons and mailed prescriptions to individuals he had not seen or examined, and falsified medical records to conceal his unlawful activities. The Administrator agrees with Dr. Snope's conclusion that Respondent's controlled substance handling activities were "deplorable" and clearly outside the scope of legitimate medical practice. Respondent's past conduct constitutes a flagrant abuse of authority and justifies and denial of his pending applications for registration.

Although Respondent avers that he has learned from his past mistakes and that now he can be entrusted with a DEA registration, the Administrator, in agreement with the Administrative Law Judge, concludes otherwise. Although Respondent completed a mini-residency course in proper controlled substance handling procedures, he continued to disregard Federal controlled substance laws by handling controlled substances with the benefit of possessing a valid DEA registration. Through his testimony at the DEA hearing, Respondent demonstrated his confusion about his obligations in registering and in properly handling controlled substances.

Based upon Respondent's previous egregious conduct in improperly handling controlled substances, his continued violations in handling controlled sustances without possessing a valid DEA registration, and his lack of knowledge regarding his obligations under Federal controlled substance laws and regulations, the Administrator finds that Respondent's registration would be contrary to the public interest. Therefore, the Administrator concludes that Respondent's pending applications for registration must be denied.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b), orders that the pending new applications for registration executed by Henry J. Schwarz, M.D., on June 15 and September 11, 1987, and any other pending applications for registration, be, and they hereby are, denied.

This order is effective April 24, 1989.

Dated: April 18, 1989.

John C. Lawn,

Administrator.

[FR Doc. 89-9710 Filed 4-21-89; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade; Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee for the Labor Advisory

Committee for Trade Negotiations and Trade Policy.

Date, time and place: May 9, 1989, 9:30 a.m., Rm. S4215 A&B Frances Perkins, Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION CONTACT: Fernand Lavallee, Executive Secretary, Labor Advisory Committee, Phone: (202) 523–6565.

Signed at Washington, DC this 12th day of April 1989.

Shellyn G. McCaffrey,

Deputy Under Secretary, International Affairs.

[FR Doc. 89–9676 Filed 4–21–89; 8:45 am]

BILLING CODE 4510–28–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 4, 1989.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 4, 1989.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC this 10th day of April 1989.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/Workers/Firm—	Location	Date Received	Date of Petition	Petition Number	Articles Produced
C.D.R. Footwear Inc. (Company)	Keene, NH	4/10/89	3/18/89	22,724	Work & Safety Shoes.
Dougherty Brothers Co. (Workers)	Buena, NJ	4/10/89	3/14/89	22,725	Plastics for Pharmaceutical Industry.
Dynamic Closures (Workers)	Massena, NY	4/10/89	2/10/89	22,726	Security Gates & Doors.
Facton (Div. of Schlumberger) (Workers)	Latham, NY	4/10/89	3/15/89	22,727	Fault finders for Semi-conductor Products.
Fleischman Distilleries, Inc. (WLU)	Dayton, NJ	4/10/89	3/20/89	22,728	Bottling & Warehousing.
Gim Metal Products (Workers)	Carle Place, NY	4/10/89	3/31/89	22,729	Die Castings.
Gold Circle Stores (Workers)	Buffalo, NY	4/10/89	3/10/89	22,730	Retail Sales.
Harloc Products Corp. (UERMWA)	West Haven, CT	4/10/89	3/15/89	22,731	Door Locks.
Houston Fluid & Leasing (Workers)	Dallas, TX	4/10/89	2/22/89	22,732	Gas Processing Plant.
Howmet Turbine Div. (Workers)	Dover, NJ	4/10/89	3/17/89	22,733	Gas Turbine Engine.
Hunt Oil Co. (Workers)	Denver, CO	4/10/89	3/21/89	22,734	Oil & Gas.
Iberia Petroleum Co. (Workers)	Houston, TX	4/10/89	2/13/89	22,735	Oil & Gas.
Madewell, Inc. (ACTWU)	New Bedford, MA	4/10/89	3/17/89	22,736	Workclothes & Jeans.
Northland, A Scott Fetzer Co. (IBEW)	Watertown, NY	4/10/89	3/23/89	22,737	Fractional Horsepower Motors.
SKF (Workers)	Glasgow, KY	4/10/89	3/17/89	22,738	Tapered Bearings.
Seal Tech-Div. of Folsom Metal Products, Inc. (Workers).	Bessemer, AL	4/10/89	3/20/89	22,739	Pipes Used in Oilfield Industry.
Siemens Transmission Systems (Workers)	El Paso, TX	4/10/89	3/22/89	22,740	Repair & Service of Telephone Equipment.
Speed Rack Inc. (UAW)	Quincy, IL	4/10/89	3/20/89	22,741	Storage Racks.
Spraytech, Inc. (Workers)	Spokane, WA	4/10/89	3/24/89	22,742	Painting Processors Keyboards & CRTS.
Tafco, Inc. (Workers)	Clearfield, PA	4/10/89	3/21/89	22,743	Kitchen Equipment.
Technical Drilling Services (Workers)	Midland, TX	4/10/89	3/21/89	22,744	Oilfield Activities.
Technical Drilling Services (Workers)	Elk City, OK	4/10/89	3/21/89	22,745	Oilfield Activities
Technical Drilling Services (Workers)	Oklahoma City, OK	4/10/89	3/21/89	22,746	Oilfield Activities.
Teledyne Wisconsin Motor (UAW)	West Allis, WI	4/10/89	3/21/89	22,747	Gasoline Engines.
Trend Tex Associates (Workers)	New York, NY	4/10/89	3/1/89	22,748	Cotton Fabric Suppliers.
Universal Clothiers (Workers)	New York City, NY	4/10/89	3/17/89	22,749	Men's Suits.
William Miller, Inc. (Company)	Henryetta, OK	4/10/89	3/23/89	22,750	X-Ray Pipeline Joints.

[FR Doc. 89–9683 Filed 4–21–89; 8:45 am]

BILLING CODE 4510–30–M

[TA-W-21,351]

Gruss Petroleum Management, Inc.; Midland, TX; Negative Determination Regarding Application for Reconsideration

By an application dated February 16. 1989, counsel for the petitioners requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on November 23, 1988 and published in the **Federal Register** on March 3, 1989 (54 FR 998).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances;

(i) If it appears on the basis of facts not previously considered that the determination complained of was erroneous:

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Counsel for the petitioners claims that GPM's application for certification should be approved based on a comparison of similar applications by other similarly-situated companies whose workers have been certified eligible to apply for adjustment assistance.

The Department's denial was based on the fact that the workers did not produce an article within the meaning of section 222(3) of the Trade Act. Investigation findings show that the workers perform management and operating services for affiliated facilities engaged in production operations and as such are specifically excluded from the Trade Act as amended by the Omnibus Trade and Competitiveness Act of 1988.

The 1988 amendments to the Trade Act provided retroactive benefits for workers in independent firms Performing the service of drilling or exploration to unaffiliated firms in the oil and gas industry. The investigation findings show that GPM exists exclusively to manage properties owned by Gruss family entities.

In order for workers in affiliated firms like GPM to be certified eligible for adjustment assistance their separations must be caused by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership or a firm related by control. In any case the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and the reduction must directly relate to the product impacted by imports. These conditions have not been met for workers of GPM in this case. None of the workers of the producing facilities to which GPM provides services is currently certified as eligible to apply for adjustment assistance benefits.

With respect to counsel's claim of the Department's certification under OTCA of workers at similar situated companies, a review of the files shows no inconsistencies under the certification process which would warrant a certification of workers at GPM.

The investigation findings in the Felmont certification were similar to those in the Mid-America certification in that the substantial proportion of their exploration and drilling operations were for unaffiliated clients; Therefore making their workers eligible for retroactive benefits under OTCA. Further, the findings for Petromark show that it is a producer and is not similar to GPM. Petromark's certification was consistent with other certifications of oil Producers where the workers were eligible for benefits but not retroactive benefits under OTCA.

The Department reviewed its findings in the BTA Oil Producers certification, TA-W-21,551, and reopened that investigation. The new findings show that the workers did not meet the qualifying requirements for certification under the 1988 amendments to the Trade Act of 1974 and the certification was cancelled.

Conclusion

After review of the application, and investigative findings, I conclude that there has been no error or misinterpretation of the law of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this April 3, 1989.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-9676 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-21,876]

Intercontinental Energy Corp.; Three Rivers, TX; Negative Determination Regarding Application for Reconsideration

By applications of February 27 and March 2, 1989 the workers requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on February 6, 1989 and published in the **Federal Register** on March 27, 1989 (54 FR 12498).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances;

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The workers claim that the share of imported uranium now accounts for half of the uranium used in the U.S. and that share is expected to increase to about 70 percent because of the cheaper prices for imported uranium. The petitioners claim that they should be certified just like the oil and gas service workers recently brought under coverage by the 1988 amendments to the Trade Act since their situation is identical to the oil and gas service workers.

Investigation findings show that the Three Rivers operation consists of three uranium mines. The operation was sold and all production ceased on August 31, 1988.

The Department's denial was based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. The "contributed importantly" test is generally demonstrated by means of a customer survey. Customers, accounting for 100 percent of the subject firm's 1988 sales decline, reported that not only was their business down in 1988 but they decreased imports in 1988 compared to 1987. The findings also show that sales, production and employment at the subject firm increased in 1987 compared to 1986 before decreasing in the first nine months of 1988 compared to the same period in 1987.

The Department has always considered workers in the uranium industry as potentially eligible for adjustment assistance since they

produce an article. Accordingly, the uranium workers at the subject facility are governed by the Trade Act prior to the 1988 amendments. Therefore, in order to be certified they must meet all three of the Group Eligibility Requirements—a significant decrease in employment, an absolute decrease in sales or production and an increase of imports "contributing importantly" to worker separations and production or sales declines. The petition for the workers at Three Rivers, however, did not meet the "contribute importantly" test. The 1988 amendments to the Trade Act only extended coverage to a new class of workers—workers performing the service of exploration and drilling in the oil and gas industry.

With respect to prices, they would not, in themselves, provide a basis for certification.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 31st day of March 1989.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 89-9677 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act: Program Guidance and Annual Planning Schedule for Implementation of the New Economic Dislocation and Worker Adjustment Assistance Act (EDWAA) for Program Year 1989 (July 1, 1989–July 30, 1990)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration has issued Training and Employment Guidance Letter (TEGL) No. 6–88 (March 10, 1989) providing program guidance and a planning schedule for dislocated worker programs under Title III of the Job Training Partnership Act, as amended by the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA) for Program Year 1989 (July 1, 1989–June 30, 1990). TEGL No. 6–88 provides instructions for the submission of EDWAA job training plans. This document also provides target dates for several other products and/or issuances (i.e., allotments, performance standards and reporting, etc.) instrumental to the implementation of the EDWAA amendments. TEGL No. 6–88 is reprinted below for public information.

DATE: Training and Employment Guidance Letter No. 6–88 was effective March 10, 1989.

FOR FURTHER INFORMATION CONTACT: Robert N. Colombo. Telephone (202) 535–0577.

Signed at Washington, DC., this 17th day of April 1989.

Dolores Battle,

Administrator, Office of Job Training Programs.

Training and Employment Guidance Letter No. 6–88

March 10, 1989.

From: Roberts T. Jones, Assistant Secretary of Labor

Subject: Program Guidance and Annual Planning Schedule for Implementation of the New Economic Dislocation and Worker Adjustment Assistance (EDWAA) Act for Program Year 1989

1. *Purpose.* To transmit planning guidance to States regarding the implementation of the provisions of the Economic Dislocation and Worker Adjustment Assistance (EDWAA) Act amending portions of the Job Training Partnership Act (JTPA). This transmittal also provides target dates for several other products and/or issuances (i.e., allotments, performance standards and reporting, etc.) instrumental to the implementation of the EDWAA amendments.

2. *Reference.* Pub. L. 97–300, Pub. L. 99–570, Pub. L. 100–418, Letters dated August 24 and September 7 to all Governors from the Secretary of Labor and the Assistant Secretary of Labor.

3. *Background.* On August 23, President Reagan signed into law the Omnibus Trade and Competitiveness Act of 1988 (OTCA). EDWAA, enacted as Subtitle D of Title VI of OTCA, revised Title III of the Job Training Partnership Act (JTPA), replacing the existing dislocated workers program with a new worker adjustment program, to be operational by July 1, 1989. Part 3 of Subtitle D of Title I of OTCA also makes major revisions in the Trade Adjustment Assistance (TAA) program concerning services for workers dislocated by foreign trade. Part 631 of Title 20, CFR, the regulations for JTPA Title III, as revised by OTCA, were published in the **Federal Register** on October 24, 1988, at 53 FR 41572, effective November 1, 1988.

EDWAA authorizes a new comprehensive program to assist dislocated workers and also introduces a number of new and innovative approaches, including State dislocated worker units to assist communities and workers undergoing permanent plant closings and substantial layoffs.

Pursuant to section 311(a) of Title III of JTPA, as amended by OTCA, and 20 CFR Part 631 of the JTPA regulations, this document provides: (1) Instructions to the States for the submission of the State Plan; and, (2) instructions to affected States for submission of the plan where there is a Single Substate Grantee.

The planning guidance calls for the development of a biennial "State Plan" and a "Plan" where there is a Single Substate Grantee. Both of these initial biennial Plans will cover a one-year transition period (July 1, 1989 to June 30, 1990). In conjunction with the State's biennial planning for JTPA this would put the planning cycle in conformity with the overall planning process for JTPA Titles II–A and II–B.

4. *Burden Hour Estimates.* We estimate that it will take an average of 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this survey, including suggestions for reducing this burden, send them to the Office of Information Management, Department of Labor, Room N–1301, 200 Constitution Avenue, NW., Washington, DC 20210; and the Office of Management and Budget, Paperwork Reduction Project (1205–0273), Washington, DC 20503.

5. *Planning Documents.* A. *State Plan.* Section 311(a) of the JTPA and section 631.35 of the JTPA regulations require that in order to receive funds under JTPA section 302(b) the State shall submit to the Secretary of Labor (Secretary), in accordance with instructions issued by the Secretary on a biennial basis, a biennial State Plan describing in detail the programs and activities that will be assisted with funds provided under JTPA Title III. The initial biennial plan will cover a one-year transition period (July 1, 1989 to June 30, 1990).

The document also must contain a description of the State's performance standards and incentive policy for Title III. Instructions for performance standards and incentive policy will be issued in accordance with the schedule included in section 9 of this Training

and Employment Guidance Letter (TEGL).

The Department of Labor (Department) will review the State Plan and any comments submitted by the State Job Training Coordinating Council and will notify the State of any deficiencies in the plan within 30 days after submission. Unless a State has been so notified, the plan will be approved within 45 days after submission.

Any plan submitted under Title III may be modified to describe changes in or additions to the program and activities set forth in the plan. Modifications to the plan shall be submitted using the same format. No modification shall be effective unless reviewed and approved in accordance with § 311(d) of JTPA and § 631.36(d) and (e) of the JTPA regulations.

B. *Single Substate Grantee "Plan".* Section 311(f) of the JTPA and § 631.50(h) of the JTPA regulations require that when the substate area is the State, the substate Plan and any Plan modification(s) shall be submitted by the Governor to the Secretary, in accordance with instructions issued by the Secretary.

Single substate grantee Plans are to be submitted using the OMB-approved format contained in Attachment II. Modifications to the Plan shall be submitted using the same format.

The Department will review the Plan in accordance with the provisions of §§ 628.6 and 631.50(h) of the JTPA regulations for overall compliance with the provisions of the Act and JTPA regulations. States will be notified of the results of the review within the same time frames specified for the review of the State Plan.

6. *EDWAA Coordination.* The State Plan must describe coordination activities among State and local organizations focusing on dislocated workers. Pursuant to the new legislation, programs under EDWAA and TAA must be coordinated or integrated so as to avoid fragmented delivery of services to eligible dislocated workers.

The new EDWAA worker adjustment program and the TAA program will continue as separate and identifiable programs. However, as provided under the OTCA, States are encouraged to provide linkages and, where possible, to arrange joint responsibility for specific functions common to both programs. Such actions will assist dislocated workers to receive any and all benefits to which they are entitled, and any training or other services they need to become reemployed as quickly and easily as possible. For example, linkages can take place in providing early intervention services, in exchange of information and coordination in the development and operation of training programs, in developing a common intake point and application process for the two programs, in providing technical assistance and training, and in establishing labor-management committees for dealing with dislocations. Above all, the delivery system must assure that the clientele of these programs—the dislocated workers to be served—are provided a clearly defined and easy-to-follow system of services.

7. *Designation of State Dislocated Worker Unit.* Section 311(b)(2) of JTPA provides that States will designate or create an identifiable State dislocated worker unit (DWU) or office with the capability to respond rapidly on-site to permanent plant closures and substantial layoffs throughout the State. Through this rapid response effort the DWU will be able to assess the need for appropriate basic readjustment services.

The DWU is a key feature of the States' implementation of the new programs under EDWAA and it is therefore key to the success of this initiative. The State, in designating an existing organization or creating a new organization to fulfill the responsibilities outlined in Title III of JTPA, shall assure that this organization has the capability to:

- Make appropriate retraining and basic adjustment services available to eligible dislocated workers through substate grantees, and in statewide, regional or industry-wide projects;
- Work with employers and labor organizations in promoting labor-management cooperation to achieve the goals of the program;
- Operate a monitoring, reporting, and management information system to provide adequate information for effective program management, review, and evaluation;
- Provide technical assistance and advice to substate grantees;
- Exchange information and coordinate programs with the appropriate economic development agency, and State education, training, and social services programs;
- Coordinate with the unemployment insurance system and Federal-State Employment Service system, as well as TAA and JTPA Titles II–A and II–B programs in the State;
- Receive advance notice of plant closings and mass layoffs as provided at § 3(a)(2) of the Worker Adjustment and Retraining Notification (WARN) Act, Pub. L. 100–139, 102 Stat. 890;
- Notify the appropriate substate grantees as soon as possible (preferably within 48 hours) following receipt of employer notice of layoff or plant closing;
- Consult with labor organizations where substantial numbers of their members are to be served; and
- Coordinate with programs administered by the Veterans Administration, including the Veterans Jobs Training Act, Title IV–C of the Job Training Partnership Act, and other training, employment and education programs which may have special programs for veterans.

8. *Rapid Response Capability.* Pursuant to section 311 (b)(2), the DWU has as one of its primary responsibilities the establishment of a rapid response capability, including securing appropriate staff, which wi11 enable it to provide assistance, on-site, for dislocation events, such as permanent closures and substantial layoffs, throughout the State. This staff should include individuals who are knowledgeable about resources, including programs under EDWAA, TAA, JTPA, and other programs which are available through public and private sources to assist dislocated workers. These rapid response specialists are to have the ability to: (1) Organize a broad-based response to a dislocation event, including the ability to coordinate services provided under EDWAA with other State-administered programs; (2) provide limited amounts of immediate financial assistance for rapid response activities; (3) work effectively with employers and employees; and (4) work out provisions of retraining and readjustment services by substate grantees.

The rapid response specialists who are designated within the DWU may use EDWAA funds to establish on-site contact with employer and employee representatives (preferably within 48 hours after notification) of a current or impending permanent closure or substantial layoff in order to provide information on available resources and to provide emergency assistance. The specialists also will promote the formation of labor-management committees and provide on-going assistance to these committees.

9. *Key Planning Dates.* The planning instructions in this TEGL are but one part of the information necessary for the implementation of the new EDWAA Program. Issuance targets for key products and other planning benchmarks are as follows. This schedule supplements and updates the prior schedu1e at 53 Federal Register 34844, 34847 (September 8, 1988).

11–23–88 Comment period on interim final rules for Title III ends.

12–30–88 The Employment and Training Administration (ETA) issues final allotments for State formula allotments for Title II–A, II–B, and Title III of JTPA.

01–07–89 By this time, Governors should have reconstituted their SJTCCs, designated substate areas and grantees, and determined their formula for substate fund distribution.

02–01–89 Governors should give direction for substate planning. (statute requires 3/1)

02–28–89 ETA issues Title III reporting instructions.

02–28–89 ETA issues Title III performance standards instructions.

02–28–89 ETA issues final regulations and planning instructions.

05–01–89 Governor's State Plan submitted to the Secretary, who advises of problems within 30 days or approves within 45 days. Single substate grantee Plans due to the Secretary.

07–01–89 Program operations begin.

10. *Action Required.* States shall submit Plans by May 1, 1989, to the Department of Labor based upon the planning instructions and schedule contained in the attachments to this TEGL.

11. *Inquiries.* Direct inquiries to Robert N. Colombo, at (202) 535–0577.

Attachment I—Planning Instructions

[OMB Control No. 1205–0273; Expiration Date: 02/29/92]

Format and Procedures for Submitting The State Plan for Employment and Training Assistance for Dislocated Workers

I. Identifying Information

A. Name and Address of the grantee.
B. Date of submission.
C. Time period covered.

II. A. Coordination

1. Describe coordination activities among State and local organizations focusing on dislocated workers.

2. Describe how EDWAA programs will be coordinated with the unemployment compensation system within the State. (section 314(f))

3. Describe how EDWAA programs will be coordinated with the Federal-State Employment Service.

4. Describe how EDWAA programs will be coordinated with dislocated worker programs under Title II of the Carl D. Perkins Vocational Education Act. (Section 311(b)(5) of JTPA and § 631.37(c) of the JTPA regulations)

5. Describe how EDWAA programs will be coordinated with programs administered by the Veterans Administration, including the Veterans Job Training Partnership Act, and other training, employment and education programs which may have special provisions for veterans.

6. Describe how EDWAA programs will be coordinated with JTPA Title II–A programs.

7. Describe how Title III services, including intake, referral, assessment, training and placement will be integrated or coordinated with services and payments made available under Chapter 2 of Title II of the Trade Act of 1974 so as to avoid fragmented delivery of services to eligible dislocated workers. (Section 311(b)(10) of JTPA and § 631.37(a) of the JTPA regulations.) Attach a copy of the interagency agreement developed if Title III and the Trade Adjustment Assistance Program are not operated by the same agencies.

B. Program Administration

1. Provide a list of the selected substate areas. (Section 312(a) of JTPA and § 631.35 of the JTPA regulations.)

2. Provide a list of selected substate grantees. (Section 312(b) of the Act and § 631.35 of the JTPA regulations.)

3. Describe the State's substate allocation methodology, including the data elements and allocation formulas to be used, as well as the methodology, if any, for the reallocation of funds among and from the State to substate areas. (Sections 302 and 303 of JTPA and § 632.32(b) of the JTPA regulations.)

4. Describe the State's procedures to identify funds required to be reallotted pursuant to section 303(b) of the Act and how such procedures will ensure equitable recapture of such funds. (Section 303(b) of JTPA and § 631.33 of the JTPA regulations.)

5. Describe the method to be used to assess the level of need and use of the ten percent of the State's allocation to substate grantees on the basis of need. (Section 302(c)(2) of JTPA and § 631.32(c) of the JTPA regulations.)

6. If the Governor has determined that services will be provided to displaced homemakers, indicate the basis for this decision. (Section 311(b)(4).)

7. Describe the manner in which the State will conduct monitoring and oversight of all State and substate activities. (Section 631.31 of the JTPA regulations.)

C. Performance Standards

1. Describe the State's methodology for setting performance standards for each substate grantee and any other method for assessing performance including State developed standards which are not inconsistent with the Secretary's standards. (Section 106(g).)

2. If the Governor decides to provide incentives, including incentives for training of greater duration, consistent with JTPA section 106(g), with Governor's reserve funds (section 302(c)(1)), specify the amount allocated for such incentive awards.

3. Describe the sanctions policy for substate areas failing to meet performance standards pursuant to section 106(h).

III. State Program Operation Plan

A. Dislocated Worker Unit/Rapid Response.

1. Describe the State dislocated worker unit (DWU) or office, including a description of the organization, functions and staffing of this unit; also describe the DWU's capacity to provide "rapid response" assistance to permanent closure and substantial layoffs throughout the State. (Section 311(b)(2) of JTPA and § 631.30 of the JTPA regulations.)

2. Describe how the DWU will arrange for the provision of retraining and basic readjustment services to eligible dislocated workers through substate grantees and other appropriate organizations. (Section 311(b)(3)(A) of the Act and § 631.30(a)(1) of the JTPA regulations.)

3. Describe how the DWU will work with employers and labor organizations to establish labor-management committees if appropriate to achieve the goals of the program. (Section 311(b)(3)(B) of JTPA and § 631.30(a)(2) of the JTPA regulations.)

4. Describe the DWU's monitoring, reporting, and management systems. (Section 311(b)(3)(C) of JTPA regulations.)

5. Describe how the DWU will provide technical assistance and advice to substate grantees. (Section 311(3)(D) of JTPA and § 631.30(a)(4) of the JTPA regulations.)

6. Describe how the DWU will exchange information and coordinate programs with the appropriate economic

development agency and state education, training and social services programs. Include in this description a discussion of how this coordination will be assured. Indicate which staff in the DWU have special responsibilities for coordination. (Section 311(b)(5) of JTPA and § 631.30(a)(5) of the JTPA regulations)

7. Describe how the DWU will coordinate the delivery of services, and provide for exchange of information and coordinate with all other programs available to assist dislocated workers including the State unemployment insurance system, TAA and Federal-State employment service system. (§ 631.30(a)(6) of the JTPA regulations)

8. Describe how EDWAA Programs will be coordinated with programs administered by the Veterans Administration, including the Veterans Job Training Partnership Act, and other training, employment and education programs which may have special provisions for veterans.

9. Describe the procedures for the receipt of advance notice of plant closings and mass layoffs as provided at section 3(a)(2) of the Worker Adjustment and Retraining Notification (WARN) Act Pub. L. 100-379, 102 Stat. 898; and the procedures for notification of appropriate substate grantees. (§ 631.30(a) (7) and (8) of the JTPA regulations)

10. Describe how the State will use these notices in planning rapid response. (§ 631.30(a) (7) and (8) of the JTPA regulations)

11. Describe how the State DWU will disseminate information throughout the State on the availability of services and activities for dislocated workers. (section 311(b)(6) of the Act and § 631.30(a)(10))

B. Describe other activities undertaken by the State with 40 percent funds authorized under section 314(d) of the Act and § 631.31(a) of the JTPA regulations including the following:

1. Retraining services, including (but not limited to) those in section 314(d) of the Act when undertaken in Statewide, industry and regional programs;

2. Coordinate with the unemployment compensation system, in accordance with § 631.37(b) of the JTPA regulations;

3. Discretionary allocation for basic readjustment and retraining services to provide additional assistance to areas that experience substantial increases in the number of dislocated workers, to be expended in accordance with the substate plan or modification thereof;

4. Incentives to provide training of greater duration for those who require it; and

5. Needs-related payments in accordance with section 315 (b) of the Act.

6. Describe the process for providing appropriate organizations with an opportunity to comment on training programs as required by section 143(c)(2) and section 311(b)(7) of JTPA.

IV. Assurances

The following assurances must be included in the State Plan:

A. The State will comply with the statutory and regulatory requirements of EDWAA.

B. That services will be provided to eligible dislocated workers. (section 311(b)(1) (B) and (C) of the Act)

C. Services will not be denied on the basis of State of residence to eligible dislocated workers displaced by a permanent closure or substantial layoff within the State of residence of such workers; (section 311(b)(1)(C))

D. That services to displaced homemakers will not adversely affect the delivery of services to eligible dislocated workers and that services are provided in conjunction with ongoing programs for all dislocated workers.

E. That any program, under this Title serving a substantial number of members of a labor organization will be established only after full consultation with such labor organization. (section 311(b)(7) of JTPA)

F. That the State will not prescribe any Title III performance standards which are inconsistent with the parameters set annually by the Secretary pursuant to section 106(e) and will apply the standards in accordance with section 311(a) with regards to incentives.

V. General Administrative Information

A. Signature. The State plan must contain the Governor's signature or the signature, name and title of his/her designee.

The plan must also include a statement indicating that the SJTCC has reviewed the plan and concurs with it, whether or not the SJTCC has made written comments. If written comments have been provided, a copy of these comments shall be attached to the Plan. (section 311(b)(9))

B. Mailing Address. States are to submit three copies of the State Plan, each with an original signature of the Governor or his/her designee to: Administrator, Office of Job Training Programs, U.S. Department of Labor, Employment and Training Administration, Room N-4459, 200 Constitution Avenue NW., Washington, DC 20210.

Also, a copy of the State Plan must be sent to the ETA regional office.

C. Modification to State Plan. Any plan submitted under section 311(a) of JTPA, as amended, may be modified to describe changes in or additions to the programs and activities set forth in the Plan, except that no such modification shall be effective unless reviewed and approved pursuant to Section § 631.56 (c), (d), and (e) of the JTPA regulations.

Attachment II—Planning Instructions

[OMB Control No. Expiration Date]

Format and Procedures for Submitting the Single Substate Grantee Plan Employment and Training Assistance for Dislocated Workers

The Single Substate Grantee Plan shall contain:

I. Identifying Information

A. Identification and address of the grant recipient.

B. Identification and address of the entity or entities that will administer the program, if different from the grant recipient.

C. Date of submission.

D. Area covered by substate grantee (i.e. entire State of_____).

E. Time period covered by plan.

II. Program Information

A. The State's plan shall contain a description of:

(1) the means for delivering services in Section 314 to eligible dislocated workers;

(2) the means to be used to identify, select, and verify the eligibility of program participants;)

(3) the means for implementing the requirements of section 314(f);

(4) the means for involving labor organizations in the development and implementation of services;

(5) the performance goals to be achieved consistent with the performance goals contained in the State plan pursuant to Section 311(b)(8);

(6) procedures, consistent with section 107, for selecting service providers which take into account past performance in job training or related activities, fiscal accountability, and ability to meet performance standards;

(7) a description of the methods by which the substate grantee will respond expeditiously to worker dislocation where the rapid response assistance required by section 314(b) is inappropriate, including worker dislocation in sparsely populated areas, which methods may include (but are not limited to):

(a) development and delivery of wide-spread outreach mechanisms;

(b) provision of financial evaluation and counseling (where appropriate) to assist in determining eligibility for services and the type of services needed;

(c) initial assessment and referral for further basic adjustment and training services; and

(d) establishment of regional centers for the purpose of providing such outreach, assessment, and early readjustment assistance;

(8) a description of the methods by which the other parties to the agreement described in section 312(b) may be involved in activities of the substate grantee;

(9) a description of training services to be provided, including—

(a) procedures to assess participants' current education skill levels and occupational abilities;

(b) procedures to assess participants' needs including educational, training, employment, and social services;

(c) methods for allocating resources to provide the services recommended by rapid response teams for eligible dislocated workers within the substate area; and

(d) a description of services and activities to be provided in the substate area;

(10) the means whereby coordination with other appropriate programs, services, and systems will be effected, particularly where such coordination is intended to provide access to the services of such other systems for program participants at no cost to the worker readjustment program; and

(11) a detailed budget showing the planned expenditure of funds for the one year transition period by cost category and activity.

B. Describe the manner in which the single substate grantee will coordinate with the State dislocated worker unit in the implementation of the single substate grantee program in particular the rapid response activity. (Section 311(b)(2)).

C. Include a statement that the State will comply with the cost limitations contained in section 315 of the Act, including those limitations which apply to needs-related payements (25 percent) and retraining services (50 percent). Indicate whether the State will request a waiver of the 50 percent limitation for retraining. (Section 315 of the Act and § 631.34(a)(4) and (5) of the JTPA regulations).

D. Include the current and/or written comments of the SJTCC. If written comments have been provided, a copy of these comments shall be attached to the plan. (Section 313(a)).

III. Signature

The plan shall contain the Governor's signature of the signature and title of his/her designee. The name of the signer should be typed below the signature.

IV. Mailing Address

States shall submit three copies of the Single substate grantee plan, each with original signature of the Governor or his/her designee to: Administrator, Office of Job Training Programs, Department of Labor, Employment and Training Administration (ETA) 200 Constitution Avenue NW,. Room N 4469, Washington, DC 20210.

Also, a copy of the plan must be sent to the ETA office.

V. Modification

Any plan submitted under section 313(a) of Title III of JTPA as amended may be modified to describe changes in or additions to the programs and activities set forth in the plan, except that no such modification shall be effective unless reviewed and approved pursuant to § 631.46 (c), (d), and (e) of the JTPA regulations.

[FR Doc. 89-9681 Filed 4-21-89; 8:45 am]
BILLING CODE 4510-30-M

Wagner-Peyser Final Planning Estimates Program Year (PY) 1989

AGENCY: Employment and Training Administration, Labor.
ACTION: Notice.

SUMMARY: This notice announces the final planning estimates for Program Year (PY) 1989 (July 1, 1989 through June 30, 1990) for basic labor exchange activities provided under the Wagner-Peyser Act.

FOR FURTHER INFORMATION CONTACT: Robert A. Schaerfl, Director, U.S. Employment Service, 200 Constitution Avenue NW., Room N-4470, Washington, DC 20210. Telephone: (202) 535-0157.

SUPPLEMENTARY INFORMATION: In accord with section 6(b)(5) of the Wagner-Peyser Act, the Employment and Training Administration is publishing final planning estimates for each State. Preliminary planning estimates were published in the **Federal Register** on January 10, 1989, FR 867. The total amount of funds currently available for distribution is $763,752,000. Funds are distributed in accordance with formula criteria established in section 6 (a) and (b) of the Wagner-Peyser Act. Civilian labor force (CLF) and unemployment data for Calendar Year 1988 are used in making the formula calculations. The Secretary of Labor set aside 3 percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment services, section 6(b)(4). In accord with this provision, $22,912,560 is set aside for administrative formula allocation. These set-aside funds are included in the total planning estimate. Set-aside funds are distributed in two steps to States which have lost in relative share of resources from the prior year. In step one, States which have a CLF below one million and are below the median CLF density are maintained at 100 percent of their relative share of prior year resources. The remainder is distributed in step two to all other States losing in relative share from the prior year but which do not meet the size and density criteria for step one.

Postage costs incurred by States during the conduct of employment service activities are billed directly to the Department of Labor by the U.S. Postage Service. To provide for this in previous years, the Department set aside an indicia postal reserve before allocating resources. However, in keeping with recent efforts to emphasize the importance of efficient mail management practices, the planning estimates are first determined with the total availability, without the indicia postage reserve taken off the top. Then each State is assessed 2 percent of its total planning estimate to establish a national postage reserve of $15,275,040. The assessment for each State following the formula distribution does not change the final total planning estimate. Differences between preliminary and final planning estimates are caused by the use of a Calendar Year data base as opposed to the earlier data used for preliminary planning estimates.

Signed at Washington, DC, this 13th day of April 1989.

Robert T. Jones,

Assistant Secretary of Labor.

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION
PY 1989 WAGNER-PEYSER FINAL PLANNING ESTIMATES TO STATES
03-31-1989

	TOTAL FORMULA	POSTAGE ASSESSMENT	FINAL PLANNING ESTIMATE
Alabama	11,735,922	-234,719	11,501,203
Alaska	8,302,350	-166,047	8,136,303
Arizona	9,755,125	-195,103	9,560,022
Arkansas	7,313,130	-146,262	7,166,868
California	78,074,310	-1,561,487	76,512,823
Colorado	10,169,470	-203,390	9,966,080
Connecticut	8,366,738	-167,335	8,199,403
Delaware	2,133,293	-42,666	2,090,627
District of Columbia	5,536,155	-110,723	5,425,432
Florida	33,350,187	-667,004	32,683,183
Georgia	18,288,751	-365,775	17,922,976
Hawaii	2,962,265	-59,245	2,903,020
Idaho	6,917,333	-138,346	6,778,987
Illinois	34,960,699	-699,214	34,261,485
Indiana	15,698,700	-313,974	15,384,726
Iowa	9,453,520	-189,070	9,264,450
Kansas	6,883,645	-137,673	6,745,972
Kentucky	10,958,714	-219,174	10,739,540
Louisiana	14,256,552	-285,131	13,971,421
Maine	4,113,673	-82,273	4,031,400
Maryland	13,029,677	-260,594	12,769,083
Massachusetts	15,377,504	-307,550	15,069,954
Michigan	28,988,659	-579,773	28,408,886
Minnesota	12,037,976	-240,759	11,797,217
Mississippi	8,090,161	-161,803	7,928,358
Missouri	14,780,754	-295,615	14,485,139
Montana	5,652,882	-113,058	5,539,824
Nebraska	6,793,652	-135,873	6,657,779
Nevada	5,495,195	-109,903	5,385,292
New Hampshire	2,802,484	-56,050	2,746,434
New Jersey	20,144,759	-402,896	19,741,863
New Mexico	6,343,526	-126,870	6,216,656
New York	57,044,159	-1,140,883	55,903,276
North Carolina	16,698,671	-333,974	16,364,697
North Dakota	5,756,324	-115,127	5,641,197
Ohio	30,899,903	-617,998	30,281,905
Oklahoma	13,042,714	-260,854	12,781,860
Oregon	9,126,802	-182,536	8,944,266
Pennsylvania	31,752,654	-635,053	31,117,601
Puerto Rico	9,279,239	-185,585	9,093,654
Rhode Island	2,707,250	-54,145	2,653,105
South Carolina	8,914,557	-178,291	8,736,266
South Dakota	5,320,166	-106,403	5,213,763
Tennessee	13,461,612	-269,232	13,192,380
Texas	51,743,967	-1,034,880	50,709,087
Utah	11,635,851	-232,717	11,403,134
Vermont	2,492,272	-49,846	2,442,426
Virginia	15,749,389	-314,988	15,434,401
Washington	13,445,788	-268,916	13,176,872
West Virginia	6,089,456	-121,789	5,967,667
Wisconsin	13,834,061	-276,681	13,557,380
Wyoming	4,127,643	-82,553	4,045,090
FORMULA TOTAL	761,890,239	-15,237,806	746,652,433
Guam	357,376	-7,147	350,229
Virgin Islands	1,504,385	-30,087	1,474,298
Indicia Postage	0	15,275,040	15,275,040
NATIONAL TOTAL	763,752,000	0	763,752,000

[FR Doc. 89-9682 Filed 4-21-89; 8:45 am]
BILLING CODE 4510-30-C

Mine Safety and Health Administration

[Docket No. M-89-35-C]

Consol Pennsylvania Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consol Pennsylvania Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its Bailey Mine (I.D. No. 36-07230) located in Greene County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. Petitioner states that the section power center and components are too large to place in a crosscut where it would be essential to place the unit in order to adequately ventilate the unit to the return. Also, hazards exist by manually maneuvering the unit.

3. As an alternate method, petitioner proposes that the section power center be contained in a substantially constructed, fully enclosed fireproof steel housing with specific procedures and equipment as outlined in the petition.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 24, 1989. Copies of the petition are available for inspection at that address.

Date: April 14, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-9670 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-50-C]

Double D. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Double D. Coal Company, General Delivery, Artemus, Kentucky 40903 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Mine No. 1 (I.D. No. 15-16261) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous miners, longwall face equipment and loading machines. The monitor is required to be kept operative and properly maintained and frequently tested.

2. No methane has been detected in the mine.

3. The three-wheel tractors are permissible DC-powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a mantrip and supply vehicle.

4. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors. In further support of this request, petitioner states that:

(a) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(b) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips; and

(c) Each monitor would be removed from the mine at the end of the shift, and would be inspected and charged by a qualified person. The monitor would also be calibrated monthly.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 24, 1989. Copies of the petition are available for inspection at that address.

Date: April 14, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-9671 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-52-C]

G.B. Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

G.B. Mining Company, 5 Brodsky Road—Mount Carmel Estates, Mount Carmel, Pennsylvania 17851 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Glen Burn Drift (I.D. No. 36-07813) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that track haulage cars be equipped with automatic couplers.

2. Installation of automatic couplers on the track haulage cars would result in a diminution of safety to the miners affected due to the sharp radius curves in the track, the undulating pitch of the slopes, the different types of small lightweight cars, and the systems of haulage.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 24, 1989. Copies of the petition are available for inspection at that address.

Date: April 17, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-9672 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-51-C]

Westerman Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Westerman Coal Company, Inc., P.O. Box 134, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Sue No. 1 Mine (I.D. No. 15-14572) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting equipment, continuous miners, longwall face equipment and loading machines. The monitor is required to be kept operative and properly maintained and frequently tested.

2. No methane has been detected in the mine.

3. The three-wheel tractors are permissible DC-powered machines, with no hydraulics. The bucket is a drag type, where approximately 30-40% of the coal is hand loaded. Approximately 20% of the time that the tractor is in use, it is used as a mantrip and supply vehicle.

4. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors. In further support of this request, petitioner states that:

(a) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(b) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips; and

(c) Each monitor would be removed from the mine at the end of the shift, and would be inspected and charged by a qualified person. The monitor would also be calibrated monthly.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 24, 1989. Copies of the petition are available for inspection at that address.

Date: April 14, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-9673 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-27-C]

Navasota Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Navasota Mining Company, P.O. Box EF, College Station, Texas 77840 has filed a petition to modify the application of 30 CFR 77.216-3(a) (water, sediment, or slurry impoundments and impounding structures; inspection requirements; correction of hazards; program requirements) to its Gibbons Creek Lignite Mine (I.D. No. 41-02847) located in Grimes County, Texas for Sedimentation Pond SP-1, (Impoundment No. 1211-TX-09-02847-01), Sedimentation Pond SP-3, (Impoundment No. 1211-TX-09-02847-03), Sedimentation Pond SP-4, (Impoundment No. 1211-TX-09-02847-17), and its Diversion Pond DP-1, (Impoundment No. 1211-TX-09-02847-02). The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that all water, sediment or slurry impoundments be examined by a qualified person designated by the person owning, operating or controlling the impounding structure at intervals not exceeding seven days for appearances of structural weakness and other hazardous conditions.

2. As an alternate method, petitioner proposes to inspect the impoundments on a monthly basis with specific procedures as outlined in the petition.

3. In support of this request, petitioner states that a safety inspection frequency of once per month would detect any increase in the phreatic level which might cause leakage.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 24, 1989. Copies of the petition are available for inspection at that address.

Date: April 14, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-9674 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-4-M]

Sunshine Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Sunshine Mining Company, P.O. Box 1080, Kellogg, Idaho 83837 has filed a petition to modify the application of 30 CFR 57.14162 (trip lights) to its Sunshine Mine (I.D. No. 10-00089) located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follow:

1. The petition concerns the requirement that on underground rail haulage, trip lights be used on the rear of pulled trips and on the front of pushed trips.

2. As an alternate method, petitioner proposes to use a swamper, equipped with a cap lamp, riding in the lead car or second car to provide protection for personnel ahead of the train.

3. In support of this request, petitioner states that the swamper can see, think, give signals and control the movement of the train. The trip lamp cannot do any of these functions.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 24, 1989. Copies of the petition are available for inspection at that address.

Date: April 14, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-9675 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Alaska State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective status of the State program, a program change supplement to a State plan shall be required.

In response to Federal standards changes, the State has submitted by letter dated December 7, 1988 from Tom Stuart, Director, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a State standard amendment comparable to 29 CFR 1910.211(d) and 29 CFR 1910.217, Presence Sensing Device Initiation of Mechanical Power Presses, as published in the **Federal Register** (53 FR 8353) on March 14, 1988.

This State standard, which is contained in AAC 01., Subchapter 8, Presence Sensing Device Initiation of Mechanical Power Presses, was adopted on August 3, 1988, effective October 1, 1988. A public hearing was held on July 6, 1988. Notifications of the hearing were published in statewide media on June 3 and 10, 1988. The public comment period was open for thirty days by Tom Stuart, Director, under authority vested by AS 19.60.020. The State incorporated its numbering system, added editorial modifications, and replaced parentheses with commas in the standard. Throughout the State standard, the word *shall* was changed to *must* and the words *shall not* were replaced by *may not* as required by Alaska's Attorney General.

According to the "Note" at the beginning of Appendix C, Alaska will not have its own requirements for recognition of third-party validation organizations for the presence sensing device initiation standard. The State is instead adopting Federal OSHA's requirements, as outlined in Appendix C. Applications will be filed with Federal OSHA in Washington, DC.

2. *Decision.* The above State standard has been reviewed and compared with the relevant Federal standard. OSHA has determined that the State standard is at least as effective as the comparable Federal standard, as required by section 18(c)(2) of the Act. OSHA has also determined that the differences between the State and Federal standards are minimal and that the standards are thus substantially identical. OSHA therefore approves this State standard; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174;

State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99802; and the Office of State Programs, Occupational Safety and Health Administration, Room N-3476, 200 Constitution Avenue NW., Washington, DC 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

1. The standards were adopted in accordance with the procedural requirements of State law which included public comments and further public participation would be repetitious.

This decision is effective (Date of Publication) (Section 18, Pub. L. 91-596, 84 STAT. 6108 [29 U.S.C. 667]).

Signed at Seattle, Washington this 6th day of January, 1989.

James W. Lake,

Regional Administrator.

[FR Doc. 89-9679 Filed 4-21-89; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATE: Requests for copies must be received in writing on or before June 8, 1989. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order

to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force, Directorate of Information Management and Administration, Records Management Branch (N1–AFU–89–15). A comprehensive schedule of Air Force evaluations of contractor's research and develoment capabilities.

2. Department of the Army (N1–AU–89–8). Routine housekeeping records concerning veterinary inspections of Army Child Care Centers.

3. Defense Intelligence Agency, Directorate for Technical Services and Support (N1–373–89–4). Routine and facilitative personnel, training and security files. (Information from these files requiring permanent retention is maintained elsewhere.)

4. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–2). Records relating to the establishment of per diem allowances for personnel stationed on Johnston Atoll.

5. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–3). Routine Directorate responses to Command Group inquiries.

6. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–4). Routine contract administration records.

7. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–5). Internal directives and operating procedures relating to procurement operations.

8. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–6). Programming and budget files. Agency-wide guidance and justification records are retained as permanent records.

9. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–7). Routine administrative records relating to monitoring environmental conditions.

10. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–8). Construction and facilities management files.

11. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–9). Housekeeping records relating to fuel conservation in federal buildings.

12. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–10). DNA responses and comments to Department of Defense Inspector General conducted audits and inspections.

13. Defense Nuclear Agency, Command Services Directorate, Support Services Division (N1–374–89–11). Records relating to DNA implementation of federal procurement programs.

14. Department of Energy Managing and Operating Contractors (N1–434–89–1). Training records for DOE contractor employees.

15. Department of Energy Managing and Operating Contractors (N1–434–88–1). Personnel records for DOE contractor employees.

16. Federal Emergency Management Agency, National Preparedness Directorate (N1–311–89–4). List of security clearances of members of the Interagency Materials Advisory Committee.

17. Department of Health and Human Services, Social Security Administration, Office of Disability (N1–47–89–2). A reduction in the retention period of routine electronic payment data collected in the Vocational Rehabilitation Claim Reimbursement Master System.

18. Department of Justice, Federal Bureau of Prisons (N1–129–89–2). Case files for inmates confined in state and local institutions, 1961–68.

Dated: April 14, 1989.

Claudine J. Weiher,

Acting, Archivist of the United States.

[FR Doc. 89–9762 Filed 4–21–89; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (89–29)]

NASA Advisory Council Public Affairs Task Force; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council Public Affairs Task Force.

DATE AND TIME: May 9, 1989, 1 p.m. to 4-30 p.m., and May 10, 1989, 9 a.m. to 3 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 521J, Federal Office Building 10, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code ADA–2, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–8766.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Public Affairs Task Force was established to examine and assess the NASA public affairs goals, programs, and organization; identify strengths and weaknesses; and report to the Council the results of its study. The Task Force is co-chaired by Douglas Morrow and Julian Scheer and is composed of 11 members

This meeting will be closed to the public from 1 p.m. to 3 p.m. on May 10 for a discussion of the Task Force work plan, including the qualifications of additional candidates for membership. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the meeting be closed to the public for this period of time. The remainder of the meeting will be open to the public up to the seating capacity of the room, which is approximately 60 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register.

Type of Meeting

Open—except for a closed session as noted in the agenda below.

Agenda.

May 9, 1989

1 p.m.—Introductory Remarks.
1:30 p.m.—Background.
2:30 p.m.—Overview of NASA's Information Programs.
4 p.m.—Review of Task Force Charter.
4:30 p.m.—Adjourn.

May 10, 1989

9 a.m.—Communications/Public Affairs Program.
1 p.m.—Closed Session—Task Force Work Plan and Additional Members.
3 p.m.—Adjourn.

April 17, 1989.

Philip D. Waller,

Director, General Management.

[FR Doc. 89-9721 Filed 4-21-89; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to the permit application by May 22, 1989. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the **Federal Register** on June 21, 1988.

The application received is as follows:

Applicant

Will Steger, International Polar Expeditions, Inc., 1288 East Como Blvd., St. Paul, MN 55117.

Activity for Which Permit Requested

Introduction of non-indigenous species into Antarctica. This is an application for permission to transport 42 sled dogs from Minneapolis, Minnesota to King George Island to Seal Nunataks for the embarkation of an international expedition which plans to traverse Antarctica from west to east. The expedition will take place from July 1989 to March 1990.

In consideration of the current concern for minimizing contact between dogs and seals in the convention area of Antarctica, the expedition will take special care to ensure no contact. At no time during the entire expedition will any dog run free. At King George Island dogs will be tied at the Chinese Greal Wall Station. They will then be transported by Twin Otter to Seal Nunataks for the commencement of the expedition. From Seal Nunataks to Mobiloil Inlet the expedition will cross a part of the Larsen Iceshelf, on the border of which there is an important population of Weddell Seals (Leptonychotes weddelli) and Crabeater Seals (Lobodon carcinophagus). Throughout this portion of the trek, the expedition will be traveling at a great distance from the edge of the iceshelf, making contact between dog and seal unlikely. At the expedition's arrival in Mirnyy, the dogs will be kept in a closed inland hangar until their embarkation for Australia by ship and from Australia to Minnesota by plane.

In accordance with the Antarctic Conservation Act of 1978, the dogs will be vaccinated against distemper, canine hepatitis, leptospirose, as well as parainfluenza, corona virus, and parvo virus, and protected from hookworm, tapeworm, whipworm coccidia and heartworm.

In addition to the cache supplies which have already been laid out along the entire route of the expidition, resupply planes will meet the team approximately once a month until the South Pole. With these flights, the expedition can guarantee that any sick, injured or dead dogs will be removed from the expedition, flown back to the base camp on King George Island and then, on the first available flight, flown to the United States via Punta Arenas. Sick, injured or dead dogs will be kept in Antarctica for a minimum amount of time and will, under no circumstances, be disposed of on the continent or on King George Island.

Charles E. Myers,

Permit Office.

[FR Doc. 89-9764 Filed 4-21-89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-409]

Dairyland Power Cooperative, La Crosse Boiling Water Reactor; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Possession-Only License No. DPR-45 issued to Dairyland Power Cooperative (the licensee) for the La Crosse Boiling Water Reactor (LACBWR) located at the licensee's site in Vernon County, Wisconsin.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the Technical Specifications (TS) related to the storage of fuel for the fire pump diesel engines to accommodate the installation and use of two new diesel fuel tanks.

LACBWR is permanently shut down and all nuclear fuel has been transferred to the Fuel Element Storage Well. The NRC is evaluating the licensees proposed decommissioning plan that involves long term onsite storage of the nuclear fuel and residual radioactivity (SAFSTOR) followed by removal of the fuel and decontamination of the facility. Fire protection on the site, including the storage of fuel for the diesel fire pumps, is required during the SAFSTOR period.

The Need for The Proposed Action

The present diesel fuel tanks are two outdoor underground tanks of different sizes. These older tanks need to be replaced and the licensee proposes to install two new tanks of equal size in an

indoor location to improve the reliability of the diesel fire pump system. The TS must be changed to allow the use of the two new fuel tanks.

Environmental Impacts of the Proposed Action

The change in the TS to allow the use of the two new diesel fuel tanks will have no impact on the environment. The present TS require a minimum of 270 gallons of fuel in one tank and 108 gallons in the other. The proposed TS will require 150 gallons in each of the new tanks. The licensee has shown that each new tank will have sufficient fuel for at least 15 hours of operation of the associated diesel engine. This will be an adequate running time for most emergencies and is a sufficient time for refueling from an existing 20,000 gallon diesel fuel tank located onsite. A potential environmental benefit will result from the replacement of the older underground tanks with new tanks that would be less likely to leak and for which leaks would be easier to detect.

Alternatives to the Proposed Action

It has been concluded that there is no measurable impact associated with the proposed amendment; any alternatives to the amendment will have either no environmental impact or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources beyond the scope of resources used during normal plant maintenance.

Agencies and Persons Consulted

The staff did not consult other agencies or persons in connection with the proposed amendment.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, the Commission concludes that the proposed amendment will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed amendment.

For information concerning this action, see the licensee's application for amendment dated December 21, 1987 as revised February 22, 1988, October 13, 1988 and February 15, 1989. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and at the La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Dated at Rockville, Maryland this 17th day of April 1989.

For the Nuclear Regulatory Commission.

Charles L. Miller,

Director, Standardization and Non-Power Reactor Project Directorate, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-9743 Filed 4-21-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards; Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-54 issued to Sacramento Municipal Utility District (the licensee), for operation of the Rancho Seco Nuclear Generating Station located in Sacramento County, California. The request for amendment was submitted by letters dated June 6, 1988, and January 11, 1989.

The amendment would revise the Technical Specification (TS) as follows: (1) TS § 4.21, "Liquid Effluents," would be reorganized, clarified and modified, and would explicitly detail the sampling and analysis requirements, release paths, accountability points, design bases, dose projection requirements, and regulatory requirements for the release of radiological liquid effluent from the plant. (2) Changes to the Lower Limit of Detection (LLD) concentration values for specific nuclides would be made to reduce the required count time for a pre-release Regenerant Hold-Up Tank (RHUT) sample analysis. The changes made to the LLD value would meet established design basis and provide reasonable assurance of compliance with the dose guidelines of 10 CFR 50, Appendix I for radiological liquid effluents. (3) LLD's for pre-release sample analysis on a Retention Basin would be established, which would assure the capability of compliance with the radiological liquid effluent concentration limits of 10 CFR 20, Appendix B. (4) The LLD equation and definition found in TS §§ 4.21, 4.22, and 4.26 would be modified; the origin and basis was established in NUREG/CR-4007 and the LLD equation design basis document.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. These three criteria are discussed below.

(1) The NRC staff finds that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated because the proposed Technical Specification changes will not affect plant design or alter the safety and accident analysis of the Safety Analysis Report. Results of procedural and programmatic changes involving management of radiological liquid effluent will have no adverse impact on any accident analysed in the Safety Analysis Report.

(2) The NRC staff finds that the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed Technical Specification change do not adversely impact any safety-related system and do not provide any new mechanisms by which an accident could occur.

(3) The NRC staff finds that the proposed amendment does not involve a significant reduction in a margin of safety because the proposed Technical Specification changes will not compromise the plant's ability to comply with the radiological liquid effluent release limits of 10 CFR Part 20, Appendix B and guidelines of 10 CFR Part 50, Appendix I. The proposed Radiological Effluent Technical Specifications (RETS) changes will verify the design basis for radiological liquid effluent.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P–216, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC 20555. The filing of requests and petitions for leave to intervene is discussed below.

By May 24, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.174(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the Martin Luther King Regional Library, 7340 24th Street Bypass, Sacramento, California 95822.

Dated at Rockville, Maryland, this 14th day of April, 1989

For the Nuclear Regulatory Commission.

Steven A. Reynolds,

Project Manager, Project Directorate V, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9737 Filed 4–21–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–206]

Southern California Edison Co., et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 122 to Provisional Operating License No. DPR–13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the Licensee), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1, located in San Diego County, California. The amendment was effective as of the date of issuance.

The amendment approves the revised safety analysis for (1) an increase in steam generator tube plugging from 15% to 20%, including reanalysis of a Loss-of-Coolant-Accident, (2) the reactor coolant pump locked rotor and shaft break, and (3) an additional time delay and revised boron concentration in the safety injection lines.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on January 23, 1989 (54 FR 3169). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to this action and has concluded that an environmental impact statement need not be prepared because operation of the facility in accordance with this amendment will have no significant adverse effect on the qualtity of the human environment.

For further details with respect to the action see (1) the application for amendment dated January 11, 1989, as supplemented January 27, March 4 and 11, and April 1, 1989, (2) Amendment No. 122 to License No. DPR–13, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Rockville, Maryland this 14th day of April, 1989.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Senior Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9736 Filed 4–21–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–206]

Southern California Edison Co., et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 123 to Provisional Operating License No. DPR–13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1, located in San Diego County, California. The amendment was effective as of the date of issuance.

The amendment approves the licensees' request to increase the power rating for each emergency diesel generator to 6000kW on an interim basis subject to certain conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on December 14, 1988 (53 FR 50340). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to this action and has concluded that an environmental impact statement need not be prepared because operation of the facility in accordance with this amendment will have no significant adverse effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated November 11, 1988, as supplemented February 14 and 22, and March 11 and 14, 1989, (2) Amendment No. 123 to License No. DPR–13, (3) the Commision's related Safety Evaluation and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Rockville, Maryland, this 14th day of April, 1989.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Senior Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9738 Filed 4–21–89; 8:45 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Co., et al; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–10 and NPF–15 issued to Southern California Edison Company (SCE), San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California (the licensees), for operation of San Onofre Nuclear Generating Station, Units 2 and 3 located in San Diego County, California. The request for amendments was submitted by letter dated March 10, 1989 and identified as Proposed Change PCN–287.

The proposed change would revise Technical Specifications 3.9.7, "Fuel Handling Machine—Spent Fuel Storage Pool Building;" 5.6.1(b) and 5.6.2, "Fuel Storage Criticality;" and 5.6.4, "Fuel Storage Capacity." The purpose of the proposed Technical Specification

changes is to provide for increasing the capacity of the fuel storage racks at both Unit 2 and Unit 3 from 800 to 1572 fuel assembly storage locations and for conducting specific heavy load lifts above the new storage racks that are needed for construction and normal fuel pool operations.

The licensees have proposed replacing the existing spent fuel racks, which have 800 storage locations, with new high density spent fuel racks, with 1572 fuel assembly storage locations at both San Onofre Unit 2 and Unit 3. The new racks would be free standing and use Boraflex neutron absorbing material for criticality control. A two region design would be used, with 312 storage locations in Region I for storage of all types of Unit 1 and Units 2 or 3 uranium oxide fuel, and 1260 storage locations in Region II for storage of Unit 1 and Units 2 or 3 uranium oxide fuel which either meets specified burnup criteria or is stored in prescribed patterns. Approval of storage of spent fuel produced by operation of San Onofre Unit 1 in either Unit 2 or Unit 3 was authorized June 22, 1988 by Amendments 63 and 52, respectively.

The proposed Technical Specification changes are described below:

1. Technical Specification 5.6.1(b) would change the current 12.75" center-to-center rack storage location spacing to 10.40" center-to-center spacing for Region I, and 8.85" center-to-center spacing for Region II.

2. Existing Technical Specification 5.6.2 for dry storage of the first core in the fuel pool in alternate rows and columns will be deleted. This Technical Specification was only applicable to dry storage of the first core.

3. New Technical Specification 5.6.2 and accompanying Figures 5.6-1, 5.6-2, 5.6-3, and 5.6-4 would define the fuel enrichment/burnup limits for storage of Units 1, 2, and/or 3 fuel in Region II of the high capacity spent fuel storage racks.

This new Technical Specification would also define the conditions and storage patterns (checkerboard or alternating row) required for storage in Region II of new or burned fuel which does not meet the enrichment vs. burnup criterion.

Lastly, this new Technical Specification would define the conditions under which a new/burned fuel reconstitution station may be established in Region II.

4. Technical Specification 5.6.4 would be revised to specify that no more than 1572 fuel assemblies may be stored in the spent fuel racks.

5. Technical Specification 3.9.7 would be revised to list the following allowable lifts of heavy loads above stored spent fuel:

A. Spent fuel pool gates shall not be carried at a height greater than 30 inches (elevation 36 feet 4 inches) over the fuel racks.

B. Test equipment skid (4500 pounds) shall not be carried at a height greater than 72 inches (elevation 39 feet 10 inches) over rack cells which contain Units 2 or 3 fuel assemblies or greater than 30 feet 8 inches (elevation 64 feet 6 inches) over rack cells which contain Unit 1 fuel assemblies.

C. Installation or removal of the cask pool cover over the cask pool with fuel in the cask pool.

D. The lift of construction loads, including the temporary gantry crane and the old and the new fuel storage racks (including lifting equipment and rigging), above the cask pool with the cask pool cover in place and fuel in the cask pool. This includes temporary storage of these construction loads on the cask pool cover during construction.

6. The basis for Specification 3.9.7 will be revised to reflect the analysis for the heavy load drops associated with the revised Specification 3.9.7.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 24, 1989, the licensees may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and

telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington and Sutcliffe, Attention: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111, attorneys for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in the 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no signficant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's public Document Room, 2120 L Street NW., Washington, DC, and at the General Library, University of California at Irvine, Irvine, California 92713.

Dated at Rockville, Maryland, this 12th day of April, 1989.

For the Nuclear Regulatory Commission.

George W. Knighton,

Director, Project Directorate V, Division of Reactor Projects–III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9739 Filed 4–21–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–206]

Southern California Edison Co., et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 124 to Provisional Operating License No. DPR–13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1, located in San Diego County, California. The amendment was effective as of the date of issuance.

The amendment approves a design change to trip both safety injection and main feed pumps and close safety injection supply valves when the refueling water storage tank reaches a low-low level during a loss-of-coolant accident.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on January 17, 1989 (54 FR 1809). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to this action and has concluded that an environmental impact statement need not be prepared because operation of the facility in accordance with this amendment will have no significant adverse effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated November 11, 1988, as supplemented January 13, February 25, and March 4, 1989, (2) Amendment No. 124 to License No. DPR–13, (3) the Commission's related Safety Evaluation and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the General Library, University of California, P.O. Box 19557, Irvine, California 92713. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Rockville, Maryland this 14th day of April 1989.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Senior Project Manager, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9740 Filed 4–21–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–362]

Southern California Edison Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–10 issued to Southern California Edison Company (SCE), San Diego Gas and Electric Company, the City of Riverside, California, and the City of Anaheim, California (the licensees), for operation of San Onofre Nuclear Generating Station, Unit 2 located in San Diego County, California. The request for amendment was submitted by letter dated March 10, 1989 and identified as Proposed Change PCN–290.

The proposed change would revise Technical Specification (TS) 3/4.10, "Special Test Exceptions," to include a new Specification 3/4.10.7, "18 Month Channel Calibrations," to the Unit 2 Technical Specifications. TS 3/4.10.7 would permit a one-time extension of the 18 month surveillance requirements for certain instrumentation included in TS 3/4.3.1, "Reactor Protective Instrumentation;" TS 3/4.3.2, "Engineered Safety Feature Actuation System Instrumentation;" TS 3/4.3.3.5, "Remote Shutdown Instrumentation;" and TS 3/4.3.3.6, "Accident Monitoring Instrumentation." This extension would terminate upon entry into the Cycle 5 refueling outage into a mode in which the operability of the instruments is no longer required or October 1, 1989, whichever occurs first.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By May 24, 1989, the licensees may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and petition for leave to intervene. Requests for a hearing and

petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendments under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly inform the Commission by a toll-free telephone call to Western Union at 1–(800)325–6000, (in Missouri 1–(800)342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington and Sutcliffe, Attention: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111, attorneys for the licenseees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in the 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and at the General Library, University of California at Irvine, Irvine, California 92713.

Dated at Rockville, Maryland, this 14th day of April 1989.

For the Nuclear Regulatory Commission.

George W. Knighton,

Director, Project Directorate V, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9742 Filed 4–21–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–483]

Union Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 43 to Facility Operating License No. NPF–30, issued to Union Electric Company, which revised the Technical Specifications for operation of the Callaway Plant, Unit 1, located in Callaway County, Missouri. The amendment was effective as of the date of issuance.

The amendment modified the Technical Specifications relating to the steam generator low-low level trip circuitry by adding an Environmental Allowance Modifier (EAM) and a Trip Time Delay (TTD).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on October 13, 1988 (53 FR 40148). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated August 30, 1988, and supplemented November 18 (2 letters) and December 28, 1988, and February 7, 10 and 15, 1989, (2) Amendment No. 43 to License No. NPF–30, (3) the

Commission's related Safety Evaluation dated April 14, 1989, and (4) the Environmental Assessment dated April 4, 1989. All of these items are available for public inspection at the Commission's Public Document Room, Gelman Building 2120 L Street NW., and at the Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated at Rockville, Maryland this 14th day of April 1989.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Director, Project Directorate III–3, Division of Reactor Projects-III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89–9741 Filed 4–21–89; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Columbia River Basin Fish and Wildlife Program; Final Action on Long-Term; Spill Amendments

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of final action on long-term spill amendments to the Columbia River Basin Fish and Wildlife Program.

SUMMARY: On November 23, 1988, pursuant to the Pacific Electric Power Planning and Conservation Act (the Northwest Power Act, 16 U.S.C. 839, et seq.) the Pacific Northwest Electric Power and Conservation Planning Council (Council) published notice of proposed amendments to the Columbia River Basin Fish and Wildlife Program (program). The proposed amendments were to incorporate the spill provisions of an agreement negotiated by the region's state and federal fish and wildlife agencies, Indian tribes, Bonneville, and the Pacific Northwest Utilities Conference Committee, for spills at Lower Monumental, Ice Harbor, John Day, and The Dalles Dams, for the ten-year period beginning December 31, 1988 (agreement). Public hearings on the propose amendments were held in Idaho, Montana, Oregon, and Washington, in December, 1988. On February 8, 1989, the Council adopted amendments incorporating the spill standards of the agreement (section III) for 1989 only, and left this amendment proceeding open for the period after 1989. Public comment was received through April 10, 1989. On April 13, 1989, the Council adopted amendments incorporating the spill standards of the agreement for the life of the agreement. The Council's decision constitutes final action.

For a Copy of the Amendments, the Spill Agreement, or the Council's Response to Comments: Contact Judi Hertz at 851 SW. Sixth Avenue, Suite 1100, Portland, Oregon, 97204, or at (503) 222–5161, toll free 1–800–222–3355 in Idaho, Montana, and Washington or 1–800–452–2324 in Oregon.

Edward Sheets,

Executive Director.

[FR Doc. 89–9695 Filed 4–21–89; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–26730; File No. SR–DTC–89–1]

Self-Regulatory Organizations; The Depository Trust Co.; Proposed Rule Change

Relating to DTC's proposed elimination of most urgent withdrawals (CODs) of non-FAST corporate issues settling in next-day funds and institution of a new rush transfer service for those issues.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 18, 1989, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change being filed by DTC (consists of the DTC Important Notices dated October 28, 1988, and June 20, 1988, describing) DTC's planned elimination of most urgent withdrawals ("CODs") of corporate issues settling in next-day funds that are not "full" FAST issues and DTC's institution of a new rush transfer service for those issues. Procedures and pricing for the new rush transfer service are being prepared and will be filed shortly as an amendment to the filing. It is expected that the final procedures will require Participant requests for rush transfers of issues with New York City transfer agents to be submitted the night before certificate pickup and not, as originally contemplated, early in the day of the pickup.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Certificates can be withdrawn from DTC in either of two ways:

(1) Withdrawals-by-Transfer (WTs), in which certificates are transferred routinely to the name of a Participant's customer or another party. Depending on the issue, its transfer agent, and the agent's location, newly registered certificates are generally available one to two weeks after DTC has received WT instructions.

(2) Urgent Certificate-on-Demand (COD) withdrawals, in which certificates registered in the name of DTC's nominee Cede & Co. or bearer certificates are released directly from the depository.

The reasons for discontinuing the subject CODs (for corporate issues settling in next-day funds that are not "full" FAST issues) [1] are to realize cost savings and improve safety by eliminating a service that is no longer needed. Few corporate CODs are now needed because rules of the New York Stock Exchange, the National Association of Securities Dealers and

[1] Under DTC's Fast Automated Securities Transfer (FAST) program, DTC leaves securities with transfer agents in the form of balance certificates registered in the depository's nominee name, Cede & Co. The balance certificates are adjusted daily for DTC deposit and withdrawal activity. A "full" FAST issue is one where the transfer agent provides CODs as well as WTs.

other self-regulatory organizations now require, in general, that all delivery-versus-payment settlements in depository-eligible corporate securities be settled by book-entry. For other kinds of settlement, and for purposes other than settlement, where Participants may need to deliver physical certificates, WTs will usually suffice because of recent improvements in transfer agent turnaround performance. In other situations, identified in Item 3 of the filing, DTC will provide rush transfer, exception CODs or other special arrangements.

DTC eliminated most same-day corporate CODs for issues settling in next-day funds in November 1987 and eliminated most same-day municipal CODs for issues settling in next-day funds in May 1988. DTC knows of no resulting adverse impact on any Participant or its customers. Participant comment and DTC's experience with phased COD elimination to date have shaped its current proposal. Summaries of significant Participant comments on the proposed rule change and DTC's responses are presented under Item 3 of the filing.

The proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder because it will reduce unnecessary costs in the safeguarding and other processing of securities certificates in the national clearance and settlement system. It will reduce vault and other physical security costs and concerns by substituting "jumbo" certificates for smaller denominations. It will eliminate a costly urgent withdrawal structure and staffing that is no longer needed on a routine basis and should reduce risks associated with that structure. It will cease to mutualize a cost that is better addressed and priced as exception processing.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

All comments received on the present and previous versions of the proposed rule change are summarized in substance under Item 3 of the filing, and DTC's detailed responses to any significant issues raised by those comments are presented under Item 3 of the filing. Copies of written comments constitute Exhibits 2(a) and 2(b) to the filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the self-regulatory organization. All submissions should refer to SR-DTC–89–1 and should be submitted by May 15, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 14, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–9686 Filed 4–21–89; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–26729; File No. SR–MBS–89–2]

Self-Regulatory Organizations; MBS Clearing Corporation; Order Granting Accelerated Approval of Proposed Rule Change Amending By-Laws

On March 10, 1989, the MBS Clearing Corporation ("MBSCC") filed a proposed rule change (File No. SR–MBS–89–2) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] amending MBSCC's By–Laws. On March 23, 1989, the Commission published notice of the proposed rule change in the **Federal Register.**[2] The comment period expired on April 13, 1989 and no comments were received. This Order approves the proposal on an accelerated basis for the reasons stated below.

The proposal amends Article III, Section 3.1 of MBSCC's By-Laws, reducing the authorized number of directors from fifteen to eleven. The Board of Directors ("Board") is divided into three classes—Class I, Class II and Class III. Each class currently consists of five directors, each elected for a three-year term. The proposal will reduce the number of directors to four in Class I and III each, and three in Class II.

Prior to 1988, MBSCC's By-Laws provided for thirteen directors, a number MBSCC believed sufficient to provide effective representation of participants in MBSCC's Clearing and Depository Divisions. On February 23, 1988, the Commission approved on an accelerated basis a proposed rule change filed by MBSCC [3] to increase the authorized number of directors from thirteen to fifteen. In the proposal, MBSCC stated that it was in the process of restructuring its Depository Division into a separate corporate entity. In connection with that, MBSCC's Board had established committees to negotiate various issues relating to the restructuring. The Board appoint two representatives of the Midwest Stock Exchange, Inc. ("Midwest"), MBSCC's sole stockholder, to the Board to participate in negotiations regarding the sale of MBSCC's Depository Division to the Participants Trust Company ("PTC").

On March 28, 1989, the Commission granted PTC's application for registration as a clearing agency and the sale of the MBSCC's Depository Division to PTC closed on March 31, 1989.[4] Following the sale of the Depository Division, the two appointed representatives of Midwest, along with six other Board members who represented interests related to Depository Division matters, resigned

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[1] 15 U.S.C. 78s(b)(1).

[2] *See* Securities Exchange Act Release No. 26638 (March 17, 1989), 54 FR 12040.

[3] *See* Securities Exchange Act Release No. 25384 (February 23, 1988), 53 FR 6045.

[4] *See* Securities Exchange Act Release No. 26671 (March 31, 1989), 54 FR 13266.

from the Board and have not been replaced. MBSCC believes that an eleven member Board will be of ample size to allow representation of a broad range of Clearing Division participants.

Originally, the composition of MBSCC's Board was balanced to provide for equal representation among the various types of participants in the Clearing and Depository Divisions. The Board composition represented Depository Division participants, which included brokers, dealers and banks, and Clearing Division participants, which consisted only of brokers and dealers. As a result of the sale of the Depository Division all of MBSCC's bank participants no longer participate in MBSCC or use MBSCC services. Thus, MBSCC's proposal restructures the Board to reflect the elimination of the Depository Division and the resulting change to the composition of its participants.

The Commission believes that an eleven member Board is of ample size to assure fair representation of its shareholder and participants in the selection of its directors. The eleven member Board will represent the remaining participants in MBSCC (*i.e.*, Clearing Division participants). Indeed, MBSCC anticipates that at least nine of the eleven directors constituting the Board after election of directors at the annual meeting will represent participants.[5] The Commission believes the proposed restructuring of the Board is consistent with MBSCC's obligation under section 17A of the Act to assure fair representation to its shareholders and participants in the selection of its directors and will result in a Board that will be able to reflect the needs of its shareholder and participants.

In its filing, MBSCC requested approval of the proposal on an accelerated basis. MBSCC states that accelerated approval is needed to complete the Board restructuring prior to the election of directors at the MBSCC's April 19, 1989 annual meeting of shareholders. The sale of MBSCC's Depository Division to PTC closed on March 31, 1989. Eight directors have resigned as a result of the sale leaving six current members on MBSCC's Board (the other director has retired). The acceleration of this proposal would allow for the smooth restructuring of MBSCC's Board at its annual meeting. Therefore, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication in the Federal Register.

[5] One director will represent Midwest and the other will not be from Midwest or a MBSCC participant.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-MBS-89-2) be, and hereby is approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 14, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89-9687 Filed 4-21-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26731; File No. SR-PHLX-88-32]

Self-Regulatory Organizations; Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Technical Amendment to Allocation Rules

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 11, 1988 the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc., pursuant to Rule 19b-4 of the Act, submits the following proposed rule change to Rule 515 regarding Specialist Evaluations (brackets indicate deletions, italics indicates additions):

Rule 515 Specialist Evaluations

Supplementary Material.

.01 Equity Specialist Evaluation

The performance evaluation survey for equity specialists is divided into four sections: PACE, ITS, General and Primary Issues. Each section contains one or more evaluation categories. Specialist units are ranked from worst to best in each of the ratings categories (for example, if there are twenty in each category) based on their performance in the category. Categories may each have different weightings in determining a firm's evaluation overall and on each section. Any specialist unit ranking in the bottom 15% in overall ratings for two consecutive quarters, or in the bottom 15% on the PACE, ITS or General Sections of the survey for three consecutive quarters, [will] *may* [1] be deemed to have performed below minimum standards. Within the next 60 days, the Committee will conduct a special performance review. If, based on that review, the specialist unit's performance has not improved overall, or in the sections or with respect to the securities where substandard performance has been identified, the Committee may institute proceedings to determine whether to remove and reallocate one or more securities. Moreover, if a specialist unit deemed to have performed below minimum standards overall ranks in the bottom 15% in any one of the next four quarters, the Committee shall review the specialist's performance and may institute proceedings to determine whether to remove and reallocate one or more securities. If a specialist unit deemed to have performed below minimum standards in the ITS, PACE or General sections of the survey ranks in the bottom 15% in any two of the next four quarters, the Committee shall review the specialist's performance and may institute proceedings to determine whether to remove and reallocate one or more securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

Currently the language in supplementary material .01 to Rule 515 provides that an equity specialist unit that ranks in the bottom 15% of the ratings over certain periods of time "will be deemed to have performed below minimum standards." This same specialist unit, however, would not automatically be subject to a

[1] *See* Letter from Richard T. Chase, Executive Vice President, Phlx, to Howard Kramer, Assistant Director, Division of Market Regulation, dated February 8, 1989, for a complete discussion of the purpose and effect of the amendment.

reallocation proceeding. Rather, the supplementary material to the rule provides that, under these circumstances, the Committee "may institute proceedings to determine whether to remove and reallocate one or more securities." The Exchange in reviewing this rule, determined to correct this apparent inconsistency. The Exchange believes that a specialist unit's performance should not automatically be labelled below minimum standards based only on the fact that the unit received a ranking in the bottom 15% during a specific time period. In this regard, the Exchange notes that its procedures do not automatically treat such ranking as establishing that a unit's performance is deficient. Instead, as noted above, the rule provides that such a ranking "may" trigger a reallocation proceeding. To make the language of the rule better reflect the actual procedure, this amendment has been proposed.

The proposed rule change is consistent with section 6(b)(5) of the Act in that it will promote just and equitable principles of trade.

B. Self-Regulatory Organizations Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any burden on competition.

C. Self.-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Allocation, Evaluation and Securities Committee and the Floor Procedure Committee have both reviewed and approved the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days or such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change, or,

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 15, 1989.

For the Commission by the Division of Market Regulation, purusant to delegated authority.

Dated: April 17, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–9688 Filed 4–21–89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34–26737; File No. SR–BSE–88–2]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Approving Proposed Plan for Enforcing and Reporting Minor Disciplinary Rule Violations

On October 20, 1988, the Boston Stock Exchange ("BSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to subsections (b)(2) and (d)(1) of section 19 of the Securities Exchange Act of 1934 ("Act") [1] and Rules 19b–4 and 19d–1(c)(2) thereunder,[2] a proposed rule change to establish a minor rule violation enforcement and reporting plan.[3] Notice of the proposed rule change was provided by the issuance of a Commission release (Securities Exchange Act Release No. 26314, November 28, 1988), and by publication in the **Federal Register** (53 FR 46995, December 5, 1988). The Commission received no comments on the proposed rule change. On April 17, 1989, the BSE submitted an amendment to the proposed rule change that removes four substantive violations from the original proposal, conforms the due process rights of persons contesting the imposition of minor rule plan violations to Commission Rule 19d–1(c)(2), and establishes a quarterly reporting system to the Commission for disciplinary actions subject to the proposed plan.

BSE's proposed plan encompasses two systems: (1) A minor rule violation disciplinary system, and (2) a quarterly reporting system to the Commission for minor rule violations. Under the proposed rule change, Chapter XVII, Section 4 of the BSE's Rules of the Board of Governors authorizes the Exchange, in lieu of commencing a disciplinary proceeding before a hearing panel, to impose a fine not to exceed $2,500, on any member, member organization, or registered or non-registered employee of a member organization for any violation of an Exchange rule which the BSE determines to be minor in nature.[4] Alternatively, proposed Chapter XVII, Section 4 of the BSE's Rules of the Board of Governors permits any person to contest the Exchange's imposition of the fine through the submission of a written answer, at which time the matter will become a "disciplinary proceeding" subject to Chapter XXX of the Rules of the Board of Governors of the BSE and, where applicable, the reporting provisions of paragraph (c)(1) of Commission Rule 19d–1.

For covered minor disciplinary rule violations, the proposed plan would relieve the Exchange from the current reporting requirement otherwise imposed by section 19(d)(1) of the Act for "final" disciplinary actions. In accordance with paragraph (c)(2) of Commission Rule 19d–1, the BSE's proposed minor rules violation plan specifies those uncontested minor rule violations with sanctions not exceeding

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[1] 15 U.S.C. 78s(b)(2), (d)(1).

[2] 17 CFR 240.19b–4, 240.19d–1(c)(2).

[3] *See* Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23838 (June 8, 1984). Pursuant to paragraph (c)(1) of Rule 19d–1, an SRO is required to file promptly with the Commission notice of any "final" disciplinary action taken by the SRO. Pursuant to paragraph (c)(2) of Rule 19d–1, any disciplinary action taken by the SRO for violation of an SRO Rule that has been designated a minor rule violation pursuant to the plan, shall not be considered "final" for purposes of section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his or her administrative remedies. By deeming unadjudicated, minor violations as not final, the Commission permits the SRO to report violations on a periodic, as opposed to immediate, basis.

[4] Although the BSE's Board of Governors makes the initial determination of whether a BSE rule violation is "minor" for purposes of inclusion in proposed Section 4, Chapter XVIII of the BSE's Rule of the Board of Governors, this determination is subject to Commission approval pursuant to sections 19(b)(2) and (d)(1) of the Act and Rules 19b–4 and 19d–1(c)(2) under the Act.

$2,500 that would not be subject to the current reporting provisions of paragraph (c)(1) of Commission Rule 19d–1, provided the Exchange gives notice of such violations to the Commission on a quarterly basis.

The Exchange proposes to incorporate the following violations of existing Exchange policies into its proposed plan: (1) The failure to time stamp orders or to promptly report executions to the Consolidated Tape Association; (2) the failure of members and member organizations to be properly operating and represented on the Exchange floor; (3) the failure of specialists to confirm open orders; (4) short sale rule violations; and (5) conduct which may cause delays or interruptions in the orderly facilitation and/or confirmation of orders received on the floor such as failure to record proper post location or dilatory order handling practices. The fine schedules under Chapter XVIII, Section 4 of the Rules of the Board of Governors of the BSE are as follows: (1) first offense (depending upon the substantive violation), either a written warning, a $100 fine or a $250 fine; (2) second offense (depending upon the substantive violation), either a $100 fine, a $250 fine or a $500 fine; and (3) subsequent offenses (depending upon the substantive violation), either a $250 fine or a $500 fine.

Enforcement actions taken pursuant to any covered minor disciplinary rule violation will be reported to the Commission on a quarterly basis. Such quarterly reports include (1) the Exchange's internal file number for the case, (2) the Securities and Exchange Commission's file number, (3) the name of the individual or member organization, (4) the nature of the violation, (5) the specific rule provision violated, (6) the date of violation, (7) the fine imposed, (8) an indication of whether the fine is joint and several, (9) the number of times the violation has occurred, and (10) the date of disposition.

The Commission finds that the proposed plan is consistent with the requirements of the Act and the rules and regulations thereunder, and in particular, with the requirements of section 6(b)(5) and section 19(d). The proposed rule change would establish a simplified disciplinary system that enables the Exchange to achieve compliance with rules that are essentially technical and objective in nature in a more efficient manner than resorting to formal disciplinary proceedings. In particular, we note that because violations of the rules to be subject to the proposed plan can be determined accurately and objectively, it is reasonable for them to be included in such an abbreviated periodic reporting plan.[5] Moreover, because the proposed plan permits disciplined persons to contest the Exchange's imposition of the fine and request a full disciplinary proceeding, the proposed plan is consistent with the disciplinary proceedings required under section 6(b)(7) of the Act. Finally, we note that the BSE will retain the discretion to bring full disciplinary proceedings for violations of the rules listed in the minor plan and should do so when appropriate for the particular violation(s) involved.[6]

It is therefore ordered, pursuant to section 19(b)(2) and Rule 19d–1(c)(2) under the Act, that the above mentioned proposed plan be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Dated: April 17, 1989.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–9689 Filed 4–21–89; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–26732; File No. SR–DTC–89–07]

Self-Regulatory Organizations; Proposed Rule Change by The Depository Trust Co. Relating to Procedures for Invitations To Cover Short Positions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 4, 1989, The Depository Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Depository Trust Company ("DTC") is filing herewith a proposed rule change relating procedures for invitations to cover short positions. The procedures are set out in *Exhibit A*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The purpose for the proposed rule change is to provide an automated procedure whereby DTC, at the request of a Participant which has a short position in a certain security, invites tenders to cover the short position from Participants which have a long position in the same security.

The proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC since the proposed rule change will increase efficiency in eliminating certain short positions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The proposed rule change is part of a program that is being developed at the request of Participants and securities industry organizations to eliminate short positions. Based upon informal conversations with Participants we understand that the consensus of opinion regarding the proposed rule change has been uniformly positive.

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[5] *See e.g.*, Securities Exchange Act Release No. 22300 (August 8, 1985), 50 FR 32818 (August 14, 1985) (approval of New York Stock Exchange minor disciplinary rule violations plan).

[6] The Commission notes that inclusion of a rule in an SRO's minor rule plan should not be interpreted to mean it is an unimportant rule. On the contrary, the Commission recognizes that inclusion of objective rules under a minor rule violation plan not only can reduce reporting burdens of an SRO but also can make their disciplinary systems more efficient in prosecuting violations of these rules.

[7] See 17 CFR 200.30–3(a)(44).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the data of publication of this notice in the **Federal Register** or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of DTC.

All submissions should refer to the file number SR–DTC–89–07 and should be submitted by May 15, 1989. For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: April 17, 1989.

Jonathan G. Katz,

Secretary.

Exhibit A—Invitation to Cover Short Position Procedure

Introduction

Participants with short positions at DTC may use the Participant Terminal System (PTS) or PTS Jr. to extend formal invitations to tender in an attempt to resolve their short positions.

The tender invitation will also serve as notice to Participants with long positions that:

- An inventory deficiency exists at DTC.
- Certificates may not be available for withdrawal.
- DTC may take steps to eliminate the short.

The actual tender price will be negotiated between Participants; however, meaningful premiums could be required as a cost of resolving short positions and retrieving the 130% cash deposit with DTC.

When a "short" Participant holds a security similar to the one that it is short, the invitation to tender may include an offer to sell (swap) the similar security.

In the invitation to tender, the "short" Participant is presumed to be willing to accept amounts greater or less than what is needed to cover the short position.

When, due to unusual. processing problems, DTC itself is short, the depository will invite tenders.

Procedure

"Short" Participant

Notify DTC via PTS or PTS Jr. between 4:30 and 5:00 p.m. Eastern time of your request to extend an invitation to tender to cover your short position. Use Exhibit. 1 as an example and include the following information:

A. Participant name
B. Participant number
C. Date
D. CUSIP number.
E. Security description
F. Quantity desired
G. CUSIP number of substitute security (if any)
H. Security description of substitute security (if any)
I. Contact name
J. Contact telephone number (include area code)

Note: This message must be sent to printer destination #P136 at DTC.

Use phone mail to confirm DTC's receipt of your request by telephoning the DTC Reorganization Department at: (212) 656–1919

"Long" Participant

Receive a message via the BROE function of PTS informing you that an invitation to tender has been extended. (See § 6.01 of the PTS Manual for further information regarding the BROE function.] (Exhibit #2) The following information is included:

A. Date
B. CUSIP number
C. Security description
D. Quantity desired
E. CUSIP number and security description of substitute security (if any)
F. DTC Contact name
G. DTC Contact telephone number

Use phone mail to contact DTC as directed if you are willing to accept the invitation to tender by telephoning: (212) 656–1920

"Short" Participant

Receive a telephone call from DTC relaying the names and telephone numbers of "long" Participants willing to participate in your invitation to tender.

Note: At this point, it is the responsibility of the "short" Participant and the "long" Participant to reach an agreement on the terms and the amount of the transaction and to take steps (e.g. input a Deliver Order) to complete the transaction. DTC has no involvement in these negotiations.

"Short" Participant

Use phone mail upon acceptance of a tender to promptly notify DTC that the invitation to tender is no longer available by telephoning the following:

Reorganization Supervisor (212) 656–1919

"Long" Participant

Receive a broadcast message via the BROE function of PTS from DTC informing you that the invitation to tender to cover a short position is no longer available*. (Exhibit #3)

Exhibit #1—Incoming Message to DTC

Invitation to Cover Short Position

(Participant * Name) (Participant #1) invites tenders of the following security to resolve a short position:

Date: _____
Cusip Number: _____
Description: _____
Quantity Desired: _____
Substitute Available
Cusip Number: _____
Description: _____

(Contact Name) at (Contact phone #) should be contacted with responses to this invitation.

Exhibit #2—Outgoing Message From DTC

Invitation to Cover Short Position

Date: _____
To: Reorganization Manager _____
Cusip Number: _____
Description: _____

We are hereby notifying you, as a Participant with a long position in the above security, that an invitation to tender has been received from a DTC Participant who is short this security. Tenders are invited for _____ but tenders in larger or smaller quantities

* This broadcast message will be sent only to those Participants which had a long position in the security involved at the time the invitation to tender was initially extended. No other Participants will receive this information.

* The above named Participant agrees to consider purchase from tendering Participant of amounts greater or less than the quantity desired to cover the short position.

will also be considered. In addition, the "short" Participant has offered _____ in exchange for the above security. You are asked to consider whether you are willing to tender securities on behalf of your client. If you wish to tender securities, contact _____ of DTC at 212–709–_____ who will advise the "short" Participant of your offer.

Exhibit #3—Outgoing Message From DTC

Termination of Offer; Invitation to Cover Short Position

Name of Issue: _____
Cusip Number: _____

Notice has been received by DTC from the Participant, with a short position in the above security, that its position is no longer short due to a successful conclusion of its offer. Therefore, this offer is no longer open.

[FR Doc. 89–9690 Filed 4–21–89; 8:45 am]
BILLING CODE 8010–01–M

[Rel. NO. IC–16926 ; 811–1040]

Industry Fund of America; Application for Deregistration

April 17, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Industry Fund of America ("Applicant").

Relevant 1940 Act Section: Section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

Filing Dates: The application on Form N–8F was filed on November 21, 1988 and amended on March 10, 1989. A supplemental letter was submitted on January 18, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on May 12, 1989. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESS: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, 115 Broadway, New York, New York 10006.

FOR FURTHER INFORMATION CONTACT: Patricia Copeland, Legal Technician (202) 272–3009, or Brion R. Thompson, Branch Chief (202) 272–3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant registered under the 1940 Act on Form N–8A as an open-end, diversified management investment company. Applicant filed a registration statement pursuant to the Securities Act of 1933 (the "1933 Act") in 1961. The registration statement became effective on March 19, 1962, and the initial public offering commenced shortly thereafter.

2. On June 10, 1988, the Applicant's Board of Directors approved an Agreement and Plan of Reorganization and Liquidation ("Plan") providing for (i) the sale of substantially all the assets of Applicant to American Heritage Fund, Inc. (File No. 811–601) in exchange for shares of common stock of American Heritage Fund, Inc. to be distributed to Applicant's shareholders on the basis of their relative net asset values per share, and (ii) Applicant's subsequent dissolution. A registration statement on Form N–14 was filed on June 24, 1988, registering the shares of beneficial interest of American Heritage Fund, Inc., (File No. 811–601). The Plan and the terms of the reorganization are set forth in the preliminary proxy statement filed with the SEC and incorporated by reference into the application.

3. On July 20, 1988, at a meeting duly called and held, a majority of Applicant's shareholders approved the Plan. On that same date 159,392.924 shares of the Applicant's common stock, $.10 par value, was outstanding. Applicant's net asset value per share on such date was $2.01.

4. Under the Plan, Applicant received 359,480.696 shares of common stock of the American Heritage Fund, Inc. in consideration for its nets assets (the "AHF Shares"). The price received by the Applicant was based upon the value thereof computed in accordance with the provisions of Section 2(a)(41) of the 1940 Act. No brokerage commissions were paid.

5. The AHF Shares were distributed to shareholders of the Applicant residing in states in which such distributions could legally be made. The AHF Shares which would have been distributed to shareholders residing in states where they could not legally be distributed were redeemed by the Applicant and the appropriate cash amounts were distributed to such shareholders.

6. Expenses of approximately $42,056 were incurred in connection with the Plan, and consisted primarily of legal, accounting, printing and filing fees. These expenses were allocated 50% to Applicant.

7. As of the date of the application, the Applicant had 2,865 shareholders of record. Shortly after the issuance of an order of the SEC declaring that the Applicant has ceased to be an investment company, the Applicant intends to cause itself to be dissolved pursuant to the provisions of the General Corporation Law of the State of Nevada. Upon such dissolution, the Applicant will no longer exist and will not have any shareholders.

8. Applicant does not have any assets or liabilities which remain outstanding. Applicant is not a party to any litigation or administrative proceeding, and does not propose to engage in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–9684 Filed 4–21–89; 8:45 am]
BILLING CODE 8010–01–M

Potomac Capital Investment Corporation, et al.; Application

[Rel. No. IC–16927; 812–6035]

April 17, 1989.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicants: Potomac Capital Investment Corporation, Potomac Capital Preferred Corporation, Potomac Capital Joint Leasing Corporation, and Potomac Capital Markets Corporation.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from section 12(d)(1).

Summary of Application: Applicants seek an order to the extent necessary to exempt Applicants from the provisions of section 12(d)(1) with respect to holdings of certain shares of registered investment companies.

Filing Dates: The application was initially filed on January 30, 1985. An amended and restated application was filed on July 8, 1988, and a further amendment was filed on April 7, 1989.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on the application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on May 12, 1989. If you wish to request a hearing, please do so in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC. 20549. Applicants, c/o Potomac Capital Investment Corporation, 900 19th Street NW., Suite 600, Washington, DC. 20006.

FOR FURTHER INFORMATION CONTACT: H. R. Hallock, Jr., Special Counsel, at (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations:

1. Potomac Capital Investment Corporation ("PCI") is a wholly-owned subsidiary of Potomac Electric Power Company ("PEPCO"), an electric utility company serving approximately two million people in the District of Columbia and suburban Maryland. PEPCO is not an investment company under the 1940 Act. Potomac Capital Preferred Corporation, Potomac Capital Joint Leasing Corporation and Potomac Capital Markets Corporation (collectively referred to hereinafter with PCI as the "Applicant"), are each wholly-owned subsidiaries of PCI.

2. Applicant is generally excepted from the definition of an investment company under the 1940 Act by virtue of section 3(c)(1). However, section 3(c)(1) states that issuers excepted by virtue of section 3(c)(1)(A) are nevertheless deemed to be investment companies for purposes of section 12(d)(1) of the 1940 Act. If the proviso to section 3(c)(1) relating to section 12(d)(1) applied to Applicant, Applicant's investments in certain registered investment companies would conflict with the limitations set forth in section 12(d)(1). The application has been filed to eliminate any question as to the applicability of section 12(d)(1) to Applicant's investments in those registered investment companies.

3. Applicant was organized by PEPCO in 1983 for the purpose of segregating PEPCO's investment activities. While Applicant's functions could have been performed through a division, rather than a subsidiary, of PEPCO without raising any issues under the 1940 Act, the wholly-owned subsidiary structure is considered preferable for two reasons. First, PEPCO believes it is desirable to separate its non-utility operations from utility operations so as to ensure that utility customers are insulated from the costs, risks and operating results associated with nonutility programs. Second, consolidation of PEPCO's investments in a separate corporate entity facilitates administration, accounting and recordkeeping with respect to these investments.

4. As of December 31, 1987, Applicant's capital consisted of $145 million in equity contributions from PEPCO and $81 million in retained earnings. Its liabilities included short-term borrowings of $87 million and long-term borrowings of $206 million. The long-term borrowings consisted of large denomination unsecured debt obligations issued or guaranteed by PCI to twelve financial institutions, such as commercial banks, insurance companies and pension funds.

5. As of December 31, 1987, the consolidated book assets of Applicant totaled $610 million. These included $182 million in preferred stocks and corporate bonds; $219 million in investments in equipment lease financings; $96 million in shares of seven specialized open-end management investment companies registered under the 1940 Act and one registered closed-end fund (collectively, the "funds"), and $113 million in cash, operating lease equipment, and other assets.

6. Prior to organizing Applicant, PEPCO had a practice of purchasing mutual fund shares as a vehicle for temporarily investing cash from operations. After PEPCO decided to separate its non-utility investments in a wholly-owned subsidiary, PEPCO transferred all such shares to PCI. As of December 31, 1987, the distribution of Applicant's holdings among the eight funds ranged from $1.9 million to $38.0 million. As a percentage of the funds' outstanding voting stock, these investments ranged from .83% to 18.3%.

Applicant's Legal Conclusions

1. Applicant submits that the history of sections 12(d)(1) and 3(c)(1) makes clear that activities such as Applicant's investments in the funds were not the focus of Commission or Congressional concern.

2. Section l2(d)(1) was expanded in 1970 to limit acquisitions by unregistered as well as registered investment companies, in order to fill a gap that had permitted the creation of unregistered offshore fund holding companies. The abuses at which the expansion of section 12(d) was directed—(1) disruptive and potentially manipulative redemptions and (2) pyramiding of advisory and administrative fees and other costs to investors—are not present in Applicant's case.

3. PEPCO's use of a subsidiary rather than a division to carry on its investment activities produces no layering of fees. While PEPCO as Applicant's sole shareholder must of course bear a proportional share of the advisory and other expenses of any fund in which Applicant invests, no additional fees are imposed by Applicant. Furthermore, since Applicant's investments in the funds are not actively managed, no excessive brokerage commissions are generated.

4. Applicant, unlike an open-end fund holding company, holds shares in the funds solely for its own account; neither PEPCO nor Applicant has any obligation to meet any redemption requests from its respective shareholders and thus trigger substantial redemptions in the underlying funds. Rather, PEPCO's holding of the funds through Applicant is equivalent to an industrial or other non-investment company holding investments in registered investment companies. In addition, the language of section 3(c)(1)(A) and the section 12(d)(1) proviso therein, as well as statements by both the Commission and Congress, demonstrate a focus on investments in, rather than by, private investment company issuers.

Conditions

Applicant has agreed to the following conditions to the relief requested:

(a) No registered investment company of which Applicant owns more than three percent of the total outstanding voting stock (a "Fund") shall be obligated to redeem in cash securities held by the Applicant in an amount exceeding one percent of that Fund's total outstanding securities during any period of less than thirty days.

(b) No Fund shall be obligated to redeem in kind securities held by the Applicant, if the Fund's portfolio manager determines that such redemption would unduly disrupt operations of the Fund to the detriment of the Fund's other shareholders. With respect to any redemption in kind, the decision as to which portfolio securities would be selected for distribution in kind would be in the discretion of the Fund's portfolio manager.

(c) Applicant will promptly deliver to each Fund written notice of the conditions of the order.

(d) Nothing shall restrict Applicant from redeeming all shares of any Fund immediately, if and when such Fund determines, directly or indirectly, to liquidate, provided that redemption by Applicant would not unduly disrupt the Fund or discriminate against the Fund's other shareholders.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 89–9685 Filed 4–21–89; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[CM–8/1280]

The U.S. Organization for the International Telegraph & Telephone Consultative Committee (CCITT), Study Group C; Meeting

The Department of State announces that Study Group C's Subcommittee for Telecommunciations Credit Card Issuer Identifier Code Administration and Assignment of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet May 16, 1989 at 0930 a.m. in Room 1517, Department of State, 2201 C Street NW., Washington, DC.

The agenda of the meeting will include a review of the first year's results of Subcommittee activities; review of the April 10 World Numbering Zone 1 meeting (Orlando, Florida); selection of a candidate for appointment as vice chairperson of the CCITT World Numbering Zone 1 Credit Card Committee; selection of new chairperson for the Subcommittee; selection of interim vice chairperson (if necessary) and a review of the governing By-Laws.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, DC; telephone (202) 647–5220. All attendees must use the C Street entrance to the building.

Date: April 13, 1989.

Earl S. Barbely,

Director, Office of Telecommunications and Information Standards; Chairman U.S. CCITT National Committee.

[FR DOC. 89–9763 Filed 4–21–89; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 1104]

Delegation of Authority No. 175, Deputy Secretary; Determinations Under 18 U.S.C. Section 208 (Relating to Acts Affecting a Personal Financial Interest)

Effective April 7, 1989.

By virtue of the authority vested in me as Secretary of State, including by Sections 2656 and 2658 of Title 22 and section 208 of Title 18 of the United States Code and by Part V of Executive Order 11222 of May 8, 1965, as amended, I hereby delegate the functions vested in me by Part V of Executive Order 11222, as amended, and Section 208 of Title 18 of the United States Code to the Deputy Secretary. The Deputy Secretary may redelegate these functions to the Under Secretary for Management or to the Legal Adviser, and to persons acting in these offices due to absence or vacancy.

This delegation shall supercede all previous delegations and regulations to the extent inconsistent herewith.

Date: April 7, 1989.

James A. Baker, III,

Secretary.

[FR Doc. 89–9765 Filed 4–21–89; 8:45 am]

BILLING CODE 4710–10–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Hyannis Air Service, Inc. d/b/a Cape Air

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 89–4–40, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Hyannis Air Service, Inc. d/b/a Cape Air is fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, Room 6401, Department of Transportation, 400 7th Street SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than April 28, 1989.

FOR FURTHER INFORMATION CONTACT: Barbara P. Dunnigan, Air Carrier Fitness Division, Department of Transportation, 400 7th Street SW., Washington, DC 20590, (202) 366–2342.

DATED: April 18, 1989.

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 89–9700 Filed 4–21–89; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended April 14, 1989

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 46238

Date Filed: April 10, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 8, 1989

Description: Application of Aeroejecutivo, S.A. pursuant to section 402 of the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit to provide charter transportation of persons and accompanying baggage between points in Mexico and points in the United States.

Docket No. 46241

Date Filed: April 11, 1989

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 9, 1989

Description: Application of America West Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations applies for a certificate of public convenience and necessity authorizing it to provide service between the terminal point Honolulu, Hawaii, on the one hand, and the terminal point Tokyo, Japan, on the other hand.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 89-9699 Filed 4-21-89; 8:45 a.m.]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. IP-89-01, Notice 2]

Grant of Petition for Determination of Inconsequential Noncompliance; Cooper Tire & Rubber Co.

This notice grants the petition by Cooper Tire & Rubber Company (Cooper) of Findlay, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New Pneumatic Tires for Vehicles Other Than Passenger Cars." The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on January 23, 1989, and an opportunity afforded for comment (54 FR 3177).

Paragraph S6.5(d) of FMVSS No. 119 requires that tires be labeled with single and dual maximum load rating. Cooper manufactured 208 tires between the 47th and 48th production weeks of 1988 that do not comply with paragraph S6.5(d).

These tires were labeled with the incorrect single and dual maximum loads. They were identified by the DOT Nos. UPORCLJ478 and UPORCLJ488.

The tires were labeled as follows:

Maximum load single, 1060 kg-2335 lbs.
Maximum load dual, 975 kg—2150 lbs.

The correct labeling is:

Maximum load single, 1190 kg—2623 lbs.
Maximum load dual, 1080 kg—2381 lbs.

Cooper argued that its noncompliance was "inconsequential because the maximum load appearing on the tires is understated and the tires actually are capable of carrying the prescribed maximum loads."

No comments were received on the petition.

On February 21, 1989, a representative of the petitioner informed the agency in a telephone call that 201 of the 208 tires affected had been impounded. The noncompliance reported is an understatement of the actual load capacity of the tires, and so safety problem appears presented by usage of the tires at the loads indicated. Thus the noncompliance is truly *de minimis* in nature and extent. For these reasons, it is hereby found that petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The agency understands that Cooper will not sell these tires if the petition is granted. Such a decision is in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act. The sale and offer for sale of tires that do not comply with Standard No. 119 is a violation of the Act, and remains so even if the noncompliance is one that is inconsequential. The granting of an inconsequentiality petition relieves a manufacturer only of its obligation to notify purchasers and to remedy the noncompliance.

(Authority: Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417): delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: April 18, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 89-9777 Filed 4-21-89; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Date: April 18, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New Collection.

Title: Opinion Survey of Taxpayers Contacting IRS Problem Resolution Program—Test of Survey Alternatives.

Description: This study will help the IRS to determine the effect of various survey alternatives on the initial and overall response rate of the opinion survey for the Problem Resolution Program. This data will allow the IRS to compare the response bias for each method and to select the most effective survey procedures.

Respondents: Individuals or households, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations.

Estimated Number of Respondents: 2,079.

Estimated Burden Hours Per Response: 3 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 104 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89-9669 Filed 4-21-89; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

A Grants Program for Private Not-For-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The program is

designed to increase mutual understanding between the people of the United States and Singapore and to strengthen the ties which unite our societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116–0175, entitled "A Grants Program for Private, Non-Profit Organizations in Support of International Educational and Cultural Activities," announced in the **Federal Register** June 3, 1987.

Private Sector Organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate.

Singapore Parliamentary Exchange

The Office of Private Sector Programs proposes bringing six younger members of Singapore's parliament or members of the government parliamentary committee on foreign affairs and defense, and possibly including a junior minister of state with foreign affairs responsibilities, to the United States for a program of 14 to 21 days. The purpose of the program is to acquaint these officials with the American system of government and with U.S. legislators, members of their senior staffs, and appropriate executive branch officials. The program should begin in June or July of 1989. A U.S. not-for-profit institution will design the program and select the American participants. The officials from Singapore will be selected by officers of the United States Information Agency in Singapore. Organizations bidding on this program should have extensive knowledge of the legislative process in the United States and should have a network of contacts giving them access to important participants in legislative affairs and the executive branch. The program design should include a session in Washington, DC, and visits to one or two major cities, such as New York and Los Angeles or San Francisco.

USIA is most interested in working with organizations that show promise for innovative and cost-effective programming, and with organizations that have potential for obtaining private-sector funding in addition to USIA support. Organizations must have the substantive expertise and logistical capability needed to develop and conduct the above project successfully and should also demonstrate a potential for designing programs which will have lasting impact on their participants.

Interested organizations should submit a request for complete application materials—postmarked no later than 15 days from the date of this notice—to the address listed below. The Office of Private Sector Programs will then forward a set of materials, including proposal guidelines. Please refer to these specific programs by name in your letter of interest: Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (ATTN: Initiative Programs, Singapore Parliamentarians), United States Information Agency, 301 4th Street SW., Washington, DC 20547.

Dated: April 4, 1989.

Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 89–9772 Filed 4–21–89; 8:45 am]

BILLING CODE 8230–01–M

A Grants Program for Private Not-For-Profit Organizations In support of International Educational and Cultural Activities

The United States Information Agency (USIA) hereby announces a program of selective assistance and limited grant support to non-profit activities of United States' institutions and organizations in the Private Sector. The prorgam is designed to increase mutual understanding between the people of the United States and other countries and to strengthen the ties which unite our societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116–0175 entitled "A Grants Program for Private, Non-Profit Organizations in Support of International Educational and Cultural Activities," announced in the **Federal Register** June 3, 1987.

Private Sector organizations interested in working cooperatively with USIA on the following two projects are encouraged to develop and submit program proposals:

U.S. Study Tours for Middle Eastern Legislators

The Office of Private Sector Programs of the United States Information Agency will assist in supporting the development of two 3-week projects to introduce up to twenty new legislators from the MIddle East to the concept of representational government and its application to the Federal Government system in the United States. Each project would have up to ten participants One project would be conducted in Arabic in two sections, one for Algerian participants, and one for Yemeni participants; the other will be conducted in English. Grants to administer both projects will be awarded to the same organization. Dates for the projects are to be set by the grantee organization between June 1, 1989 and September 30, 1989. The purposes and objectives of the projects are:

—To introduce new legislators to the organization, structure and functions of the executive, legislative and judicial branches of the U.S. Government;

—To provide new legislators with insight into the decision-making process in the evolution of U.S. foreign and domestic policies;

—To create understanding for the concept and practice of representational government as applied to the Federal Government system in the United States;

—To further international understanding of the values, institutions and practices of a democratic society through first-hand experience, observation, and exchanges of ideas with U.S. legislators, judges, and scholars.

USIA is most interested in working with organizations showing evidence of innovative and cost-effective programming. Primary consideration will be given to organizations which have institutional and other private sector funding in addition to USIA support. Organizations must have the substantive expertise, logistical capability and administrative skills needed to develop and conduct the projects successfully so that they will have a lasting impact on their participants.

Interested organizations should submit a request for complete application materials—postmarked no later than thirty days from the date of this notice—to the address listed below. The Office of Private Sector Programs of USIA will forward on request a set of materials containing guidelines for the preparation of proposals. Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (Attn: Initiative Grant Programs) United States Information Agency, 301 4th Street SW., Washington, DC 20547.

Dated: April 5, 1989

Robert Francis Smith,

Director, Office of Private Sector Programs.

[FR Doc. 89–9773 Filed 4–21–89; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 77
Monday, April 24, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Wednesday, April 26, 1989

April 19, 1989.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, April 26, 1989, which is scheduled to commence at 2:00 p.m., in Room 856, at 1919 M Street NW., Washington, DC.

Agenda, Item No., and Subject

General—1—*Title:* Amendment of Parts 2, 25, 80, and 87 of the Commission's Rules regarding implementation of the Final Acts of the World Administrative Radio Conference for the Mobile Services, Geneva, 1987. *Summary:* The Commission will consider whether to propose amending the Table of Frequency Allocations (§ 2.106), as well as, the technical regulations regarding the maritime and aeronautical mobile services, mobile satellite service (MSS), and radiodetermination satellite services (RDSS).

Common Carrier—1—*Title:* Height and Power Increases in the Public Mobile Service. *Summary:* The Commission will consider a proposal to change the permissible antenna height and radiated power for Public Mobile Service (PMS) stations under certain circumstances.

Common Carrier—2—*Title:* Applications for Review of Common Carrier Bureau's grant of waiver of General Telephone Company of California to construct coaxial cable transport facilities in Cerritos, California. *Summary:* The Commission will consider three applications for review of Common Carrier Bureau's decision in File No. W–P–C–5927 (3 FCC Rcd 2317 (1988)).

Mass Media—1—*Title:* In the Matter of Modification of FM and Television Authorizations to Specify a New Community of License (MM Docket No. 88–526). *Summary:* The Commission will consider whether to amend Part 1 of its Rules regarding FM and television licensees ability to modify their authorizations to specify a new community of license in the course of an allotment rule making proceeding.

Mass Media—2—*Title:* (a) An application to transfer control of the licensee of station WFXT(TV), channel 25, Boston, Massachusetts, from Twentieth Holdings Corp. to Edward W. Brooke and Hugh L. Carey, Trustees. (b) An application for renewal of license of station WFXT(TV) filed by Twentieth Holdings Corp., and petitions to deny that application filed by the Committee for Media Diversity and by the Committee for Media Access. *Summary:* The Commission will consider the applications and the petitions to determine whether a grant of the applications would be consistent with the public interest.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of the Public Affairs, telephone number (202) 632–5050.

Issued: April 19, 1989.
Federal Communications Commission.
Donna R. Searcy,
Secretary.
[FR Doc. 89–9903 Filed 4–20–89; 2:15 pm]
BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting Wednesday, April 26, 1989

April 19, 1989.

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Wednesday, April 26, 1989, following the Open Meeting, which is scheduled to commence at 2:00 p.m., in Room 856, at 1919 M Street NW., Washington, DC.

Agenda, Item No., and Subject

General—1—Discussion concerning Plenipotentiary Conference of the International Telecommunications Union.

This item is closed to the public because it concerns premature disclosure matters. See 47 CFR 0.603(i)).

The following persons are expected to attend:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of her staff
Acting Chief, Office of Public Affairs and members of her staff
All Bureau Chiefs and members of their staffs

Action by the Commission April 19, 1989. Commissioners Patrick, Chairman; Quello and Dennis voting to consider this matter in closed session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Public Affairs, telephone number (202) 632–5050.

Issued: April 19, 1989.
Federal Communications Commission.
Donna R. Searcy,
Secretary.
[FR Doc. 89–9904 Filed 4–20–89; 2:15 am]
BILLING CODE 6712-01-M

FEDERAL ENERGY REGULATORY COMMISSION

Notice

April 19, 1989.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–49), 5 U.S.C. 552B:

TIME AND PLACE: April 26, 1989, 10:00 a.m.

PLACE: 825 North Capitol Street NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

Consent Power Agenda, 895th Meeting—April 26, 1989, Regular Meeting (10:00)

CAP–1.
Project No. 619–013, Pacific Gas and Electric Company
CAP–2.
Project No. 10035–004, Hynergix, Inc.
CAP–3.
Project No. 7497–004, Metropolitan Sewerage District of Buncombe County North Carolina
CAP–4.
Project No. 2179–003, Merced Irrigation District
CAP–5.
Project No. 2842–013, City of Idaho Falls, Idaho
CAP–6.
Project No. 8714–001, Pennichuck Water Works, Inc.
CAP–7.
Project No. 5251–005, City of Fort Smith, Arkansas

CAP-8.
Project No. 9085-000, Richard Balagur
Project No. 8692-000, Union Village Hydroelectric Company
CAP-9.
Project No. 10466-000, Mega Renewables
CAP-10.
Project No. 7392-003, L.F. Bush
CAP-11.
Omitted
CAP-12.
Docket No. ER89-258-000, Long Sault, Inc.
CAP-13.
Docket No. ER88-508-000, New York State Electric and Gas Corporation
CAP-14.
Docket No. ER89-271-000, Niagara Mohawk Power Corporation
CAP-15.
Docket No. ER89-90-000, American REF-FUEL Company of Hempstead
CAP-16.
Omitted
CAP-17.
Docket No. ER88-581-000, American REF-FUEL Company of Lehigh Valley
CAP-18.
Docket No. ER84-348-010, American Electric Power Service Corporation
CAP-19.
Docket Nos. EL88-3-002 and EL87-56-002, Commonwealth Electric Company v. Boston Edison Company
CAP-20.
Docket No. ER88-447-001 Vermont Electric Power Company, Inc.
CAP-21.
Omitted
CAP-22.
Docket No. QF86-433-001 Midway-Sunset Cogeneration Company
CAP-23.
Docket Nos. QF88-365-001, QF88-336-001 and QF88-370-001, Alpha Joshua, Inc., Beta Willow Inc., and Beta Joshua, Inc.
CAP-24.
Docket Nos. ER86-558-002 and 006, Gulf States Utilities Company
CAP-25.
Docket No. EL86-27-002, Sacramento Municipal Utility District v. Pacific Gas and Electric Company
CAP-26.
Docket No. EL86-3-000, Maine Public Service Company

Consent Miscellaneous Agenda

CAM-1.
Docket No. RM87-17-003, Natural Gas Data Collection System
CAM-2.
Docket No. GP87-78-000, Doran & Associates, Inc., FERC JD81-46688, *et al.*, R. Henry No. 4 KA-069 Well, Robert F. Henry No. 2 KA-065 Well, J. Patterson KA-101 Well
CAM-3.
Omitted
CAM-4.
Docket No. RO88-10-000, Houston Oil and Refining Inc. & Joseph A. Imparato
CAM-5.
Docket No. RO88-1-000, Leonard O. Rice d/b/a Rice Oil Company and Rice-Lindquist, Inc.

Consent Gas Agenda

CAG-1.
Docket Nos. RP89-113-000, RP89-4-000 and 001, Tennessee Gas Pipeline Company
CAG-2.
Docket No. RP89-144-000, Pacific Interstate Offshore Company
CAG-3.
Docket No. RP89-143-000, Pacific Pipeline Offshore Company
CAG-4.
Docket No. RP89-114-000, Trunkline Gas Company
CAG-5.
Docket Nos. RP89-128-000 and 001, Transwestern Pipeline Company
CAG-6.
Docket Nos. RP88-228-000, and RP89-149-000, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
CAG-7.
Docket Nos. RP89-61-000, 003, and RP89-146-000, Kentucky West Virginia Gas Company
CAG-8.
Docket No. RP89-117-000, Valero Interstate Transmission Company
CAG-9.
Omitted.
CAG-10.
Docket No. RP89-126-000, Southern Natural Gas Company
CAG-11.
Docket No. RP89-131-000, Natural Gas Pipeline Company of America
CAG-12.
Docket No. RP89-135-000, Arkla Energy Resources, a Division of Arkla, Inc.
CAG-13.
Docket No. RP89-139-000, Michigan Gas Storage Company
CAG-14.
Docket No. RP89-129-000, Trunkline Gas Company
CAG-15.
Docket Nos. RP89-130-000 and 001, Transwestern Pipeline Company
CAG-16.
Docket Nos. RP89-122-000, RP89-123-000, RP88-68-000 and RP87-7-012, Transcontinental Gas Pipe Line Corporation
CAG-17.
Docket No. RP89-125-000, Panhandle Eastern Pipe Line Company
CAG-18.
Docket No. RP88-94-019, Natural Gas Pipeline Company of America
CAG-19.
Docket No. RP89-134-000, Panhandle Eastern Pipe Line Company
CAG-20.
Docket No. RP89-136-000, Northern Natural Gas Company, Division of Enron Corp.
CAG-21.
Docket No. RP89-141-000, Sea Robin Pipeline Company
CAG-22.
Docket Nos. RP89-140-000 and 001, Williams Natural Gas Company
CAG-23.
Docket No. RP89-138-000, United Gas Pipe Line Company
CAG-24.
Docket No. RP89-137-000, Northwest Pipeline Corporation
CAG-25.
Docket Nos. RP89-133-000 and RP89-98-000, Colorado Interstate Gas Company
CAG-26.
Docket No. RP89-132-000, El Paso Natural Gas Company
CAG-27.
Docket No. RP89-127-000, ANR Pipeline Company
CAG-28.
Docket No. RP89-124-000, CNG Transmission Corporation
CAG-29.
Docket No. RP88-121-000, West Texas Gathering Company
CAG-30.
Docket No. RP89-120-000, Questar Pipeline Company
CAG-31.
Docket No. RP89-119-000, Texas Gas Transmission Corporation
CAG-32.
Docket No. RP89-118-000, Williston Basin Interstate Pipeline Company
CAG-33.
Docket No. RP89-116-000, Columbia Gas Transmission Corporation
CAG-34.
Docket No. RP88-191-008, Tennessee Gas Pipeline Company
CAG-35.
Docket Nos. RP88-267-006 and TM89-2-8-000, South Georgia Natural Gas Company
CAG-36.
Docket Nos. TA89-1-48-000 and 001, ANR Pipeline Company
CAG-37.
Docket Nos. TA89-1-43-000 and RP88-39-001, Williams Natural Gas Company
CAG-38.
Docket Nos. TA89-1-21-000 and TM89-2-21-000, Columbia Gas Transmission Corporation
CAG-39.
Docket Nos. TQ89-1-46-005 and RP86-166-005, Kentucky West Virginia Gas Company
CAG-40.
Docket No. TA89-1-46-000, Kentucky West Virginia Gas Company
CAG-41.
Docket No. TA89-1-47-000, MIGC, Inc.
CAG-42.
Docket Nos. TA89-1-34-000 and 001, Florida Gas Transmission Company
CAG-43.
Docket No. TA89-1-27-000, North Penn Gas Company
CAG-44.
Docket Nos. TA88-4-37-005 and RP89-1-007, Northwest Pipeline Corporation
CAG-45.
Docket Nos. CP82-50-012 and CP88-6-003, Natural Gas Pipeline Company of America
CAG-46.
Docket No. RP88-209-021, Natural Gas Pipeline Company of America
CAG-47.
Docket No. RP88-262-003, Panhandle Eastern Pipe Line Company
CAG-48.
Docket Nos. RP89-59-002 and RP88-198-008, Transwestern Pipeline Company

CAG–49.
Docket No. RP88–227–013, Paiute Pipeline Company
CAG–50.
Docket No. RP88–259–009, Northern Natural Gas Company, Division of Enron Corporation
CAG–51.
Docket Nos. RP88–187–016 and 017, Columbia Gas Transmission Corporation
CAG–52.
Docket No. RP88–94–018, Natural Gas Pipeline Company of America
CAG–53.
Docket Nos. RP88–10–006 and RP88–211–006, CNG Transmission Corporation
CAG–54.
Docket No. RP88–191–007, Tennessee Gas Pipeline Company
CAG–55.
Docket Nos. TA88–4–37–004 and RP89–1–006, Northwest Pipeline Corporation
CAG–56.
Docket Nos. TM–3–17–001 and TM89–4–17–001, Texas Eastern Transmission Corporation
CAG–57.
Docket No. RP89–63–001, Southern Natural Gas Company
CAG–58.
Docket No. RP88–267–007, South Georgia Natural Gas Company
CAG–59.
Docket Nos. RP88–263–007 and RP88–92–011, United Gas Pipe Line Company
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Docket No. RP89–51–001, United Gas Pipe Line Company
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Docket No. ST88–677–000, Hill Transportation Company, Inc.
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Docket No. RI89–29–000, Inexco Oil Company
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Docket No. CI88–473–001, Southland Royalty Company
CAG–71.
Docket No. CI89–190–000, Nielson Enterprises Inc. and J.W. Bullion, Trustee
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Docket Nos. CP86–427–001, CP86–620–001 and CP88–352–001, ANR Pipeline Company
CAG–76.
Docket No. CP88–540–001, Northern Natural Gas Company, Division of Enron Corporation
CAG–77.
Docket No. Docket No. CP87–451–020, Northeast U.S. Pipeline Projects
Docket Nos. CP86–329–001 and CP86–330–001, Erie Pipeline System
Docket Nos. CP86–523–000, 001, 002, 003, CP86–524–000 and CP88–198–000, Iroquois Gas Transmission System
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Docket Nos. CP88–183–000, PennEast Gas Services Company and CNG Transmission Corporation
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CAG–79.
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CAG–80.
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CAG–81.
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CAG–82.
Docket No. CP89–75–000, Northern Natural Gas Company, Division of Enron Corporation

I. Licensed Project Matters

P–1.
Reserved

II. Electric Rate Matters

ER–1.
Docket No. ER87–240–05, Carolina Power & Light Company. Order on remand.
ER–2.
Docket No. EC88–2–000, Utah Power & Light Company, PacifiCorp and PC/UP&L Merging Corporation. Order on rehearing.
ER–3.
Docket Nos. EC89–5–000, Southern California Edison Company and San Diego Gas and Electric Company. Order concerning proposed merger.

Miscellaneous Agenda

M–1.
Docket No. RM87–33–000, Hydrolectric Relicensing Regulations Under the Federal Power Act. Final Rule.

I. Pipeline Rate Matters

RP–1.
Docket Nos. CP88–434–000 and RP88–185–000, El Paso Natural Gas Company. Order concerning market-based gas inventory charge.

II. Producer Matters

CI–1.
Reserved

III. Pipeline Certificate Matters

CP–1.
Docket Nos. CP89–1–000 and CP89–2–000, Mojave Pipeline Company. Order concerning applications: (1) For optional certificate to construct pipeline facilities and (2) to provide open-access transportation service.

Lois D. Cashell,

Secretary.

[FR Doc. 89–9921 Filed 4–20–89: 3:57 pm

BILLING CODE 6717–01–M

Corrections

Federal Register
Vol. 54, No. 77
Monday, April 24, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 27 and 28

[CN-89-001]

Revisions of User Fees for Cotton Classification, Testing and Standards

Correction

In proposed rule document 89-9148 beginning on page 15210 in the issue of Monday, April 17, 1989, make the following correction:

On page 15210, in the first column, under **DATE**, in the second line, "May 15, 1989" should read "May 2, 1989".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

Short-Supply Review on Certain Slabs; Request for Comments

Correction

In notice document 89-8872 beginning on page 14985 in the issue of Friday, April 14, 1989, make the following correction:

On page 14985, in the third column, under **DATE**, in the second line, "May 15, 1989" should read "April 24, 1989".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket No. 81252-8252]

Administration Recruitment and Hiring Goals for Minority Members and Women

Correction

In the Commerce/NTIA notice appearing on page 14276, in the issue of Monday, April 10, 1989, in the third column, in the fourth line, the document number which reads '89-8345" should read "89-8345a".

BILLING CODE 1505-01-D

DEPARTMENT OF DEFENSE

48 CFR Parts 208 and 252

Department of Defense Federal Acquisition Regulation Supplement; Antifriction Bearings

Correction

In rule document 89-8774 beginning on page 14654 in the issue of Wednesday, April 12, 1989, make the following corrections:

On page 14654, in the 2nd column, under **B. Regulatory Flexibility Act**, in the first paragraph, in the 20th line, "role" should read "rule".

§ 208.7900 [Corrected]

On the same page, in the third column, in § 208.7900, in the definition for "Domestic manufacture", in the eighth line, "peformed" should read "preformed".

§ 252.208-7006 [Corrected]

On page 14655, in the third column, in § 252.208-7006, in the definition for "Miniature and instrument ball Bearings", in the third line, insert "outside" between basic and diameter.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 85N-0280]

Medical Devices; Reclassification of the Automated Differential Cell Counter

Correction

In proposed rule document 89-8055 beginning on page 13698 in the issue of Wednesday, April 5, 1989, make the following correction:

On page 13699, in the third column, in the first complete paragraph, in the first and second lines the date should read "September 12, 1980".'

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. 86N-0011]

General and Plastic Surgery Devices; Exemptions From Premarket Notification

Correction

In rule document 89-8052 beginning on page 13826 in the issue of Wednesday, April 5, 1989, make the following corrections:

§ 878.9 [Corrected]

On page 13827, in the middle column, under § 878.9(b), in the seventh line "vitro" was misspelled, and in the next to last line "culture" was misspelled.

BILLING CODE 1505-01-D

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LIST OF PUBLIC LAWS

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.J. Res. 102/Pub. L. 101-16

To designate April 1989 as "National Recycling Month".

(Apr. 19, 1989; 103 Stat. 43; 2 pages) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan.1, 1988 to Dec.31, 1988. The CFR volume issued January 1, 1988, should be retained.

[3] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1988. The CFR volume issued January 1, 1987, should be retained.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1988. The CFR volume issued as of Apr. 1, 1980, should be retained.

[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[7] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

federal register

Monday
April 24, 1989

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 USC 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12291 and OMB Bulletins implementing section 5 of the Executive order establish minimum standards for executive agencies' agendas, including specific types of information for each entry, and publication in a uniform format. All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this **Unified Agenda of Federal Regulations.**

The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1989 edition of the semiannaul **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 725 Seventeenth Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 725 Seventeenth Street, NW., Washington, DC 20503, (202) 395-6993.

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INDEX TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

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INTRODUCTION TO THE UNIFIED AGENDA OF FEDERAL REGULATIONS

About the Unified Agenda

The Regulatory Information Service Center compiles the **Unified Agenda of Federal Regulations** for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing Executive Orders 12291 (Federal Regulation) (46 FR 13193; 3 CFR 1981 Comp., p. 127) and 12498 (Regulatory Planning Process) (50 FR 1036; 3 CFR 1985 Comp., p. 323). Under EO 12498, OMB publishes the **Regulatory Program of the United States Government** each year.

The Regulatory Program is a policy document and a management tool that sets forth the priorities of the agency head and of the President regarding the Significant Regulatory Actions (SRAs) that will be conducted during the program year to which it pertains.

The Regulatory Program and the Unified Agenda differ in several ways. The Unified Agenda includes more

regulatory actions because it covers all Federal agencies that issue regulations and includes almost all the rulemakings they have under development. The 1989 Regulatory Program will cover only 26 of the major Federal regulatory agencies, and will include only the most significant of all the regulatory actions that each agency plans to undertake. The Regulatory Program, however, describes each entry more thoroughly than the Unified Agenda.

Most of the regulatory actions described in the **Regulatory Program of the United States Government** are included in this Agenda. In general, the Regulation Identifier Number (RIN) for the action is the same for both publications; however, occasionally, several Agenda entries are combined into one Program entry, and a new RIN is assigned to that entry in the Program.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government. This edition of the Unified Agenda includes 56 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In order to further facilitate producing the Agenda, many agencies currently use computer terminals at their offices to enter agenda information into the Center's computer system.

The Agenda contains a Subject Index to help readers locate entries from various agencies that may affect a particular area of interest. The numbers in the index refer to the sequence numbers that appear before the title of each entry in the Agenda. All entries are numbered sequentially from the beginning to the end of the Agenda.

For those agencies that requested it, we provided a computer-produced Table of Contents that appears after the preamble of the agency's agenda. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them.

All agendas contain uniform data elements -- regulation title, significance, legal authority, CFR citation, legal deadline, abstract, timetable, small entities affected, government levels affected, agency contact, and Regulation Identifier Number. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

Dated: April 1, 1989.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register.** The parts are organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in four groups:

1. Prerule Stage -- actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking and reviews of existing regulations.

2. Proposed Rule Stage -- actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process, or for which the closing date of the NPRM Comment Period is the next step.

3. Final Rule Stage -- actions for which agencies plan to publish a final rule or an interim final rule, or to take other final action as the next step in their rulemaking process.

4. Completed Actions -- actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the Agenda for the first time.

The Agenda Sequence Number preceding the title of each entry identifies the location of the entry in this edition of the Agenda. The same number is used in the index to enable readers to find entries on specific subjects. Those agencies that chose to provide a Table of Contents at the beginning of their agendas also use the sequence number in their Table of Contents. Sequence numbers should help readers easily locate items of most interest to them, either by agency or by subject.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

Entries describing regulations in the Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Significance -- an indication of the significance of the entry that appears when:
  a. The action will be included in the **Regulatory Program of the United States Government** for the 1989 program year, or
  b. The agency otherwise considers the action a priority.

The Significance heading appears only if the entry is a significant action.

- Legal Authority -- the section(s) of the United States Code (USC) or Public Law (PL) or the Executive order (EO) that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to USC or PL references).
- CFR Citation -- the section(s) of the Code of Federal Regulations that affects or will be affected by the action.
- Legal Deadline -- an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some "Other" action.

- Abstract -- a description of the problem the regulation will address; the need for a Federal solution; and, to the extent available, the alternatives that the agency is considering to address the problem and the potential costs and benefits of the action.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 04/00/89 means the agency can predict the month and year the action will take place, but not the day it will occur.
- Small Entities Affected -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, and/or organizations.
- Levels of Government Affected -- indicates whether the rule is expected to affect levels of government and, if so, whether the governments are local, State, and/or Federal.
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of February 24, 1989, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR -- The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register.**

EO -- An Executive order is a directive from the President to an executive agency, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the 17th public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 U.S.C. 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of section 2 of EO 12291, namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulation Identifier Number is assigned by the Regulatory

Information Service Center to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

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federal register

Monday
April 24, 1989

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda; Spring 1989.

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions; but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

ADDRESSES: Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147-E Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 382-1272.

Dated: March 1, 1989.

Jacquelyn C. Patterson,

Chief, Regulatory & Legislative Staff.

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1	Fees for Service for Voluntary and Mandatory Programs	0581-AA19
2	Proposed New Milk Marketing Order for North Carolina and South Carolina	0581-AA28
3	Proposed New Marketing Agreement and Order for Seedless European Cucumbers	0581-AA30
4	Proposed New Marketing Agreement and Order TX-NM (High Plains) Potatoes	0581-AA31

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
5	Proposed Marketing Order for Vidalia Onions Grown in Georgia	0581-AA29
6	Proposed New National Watermelon Research and Promotion Plan	0581-AA32

Agricultural Stabilization and Conservation Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
7	1990 Extra Long Staple (ELS) Cotton Program	0560-AB43
8	1990 Rice Program	0560-AB45
9	1989 Soybean Program	0560-AB48
10	1989-Crop Marketing Quotas and Acreage Allotments for Five Kinds of Tobacco	0560-AB51
11	1990-Crop Peanuts National Poundage Quota	0560-AB54
12	1990 Upland Cotton Program	0560-AB55
13	1990 Feed Grain Program	0560-AB56

USDA

Agricultural Stabilization and Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
14	1989 Price Support Levels for Six Kinds of Tobacco	0560-AB32
15	1989-Crop Honey Price Support Program	0560-AB37
16	Common Program Provisions for the 1990 Wheat, Feed Grain, Cotton and Rice Programs	0560-AB38
17	1990 Wheat Program	0560-AB41
18	1990-Crop Honey Price Support Program	0560-AB60
19	1990 Price Support Levels for Five Kinds of Tobacco	0560-AB64

Agricultural Stabilization and Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
20	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
21	Price Support Loan Program for 1986 Through 1990-Crops Sugar Beets and Sugarcane	0560-AA74
22	1989-Crop Peanuts National Poundage Quota	0560-AB13
23	1989 Wool and Mohair Program	0560-AB20
24	CCC Cotton Loan Program Regulations--Settlement, Fraud, and Conversion Provisions	0560-AB22
25	Dairy Indemnity Payment Program--January 1, 1988 - September 30, 1990	0560-AB30
26	1989-Crop Peanut Price Support Program Differentials	0560-AB31
27	1989-Crop National Average Loan Rate and Minimum CCC Export Edible Sales Price for Additional Peanuts	0560-AB33
28	1989-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB34
29	1989-Crop Flue-cured Tobacco Marketing Quota and Price Support Level	0560-AB35
30	1989-Crop National Average Price Support Level for Quota Peanuts	0560-AB36
31	1989 Rice Program	0560-AB39
32	1989 CCC Cotton Loan Program Regulations -- Bale Packaging Materials	0560-AB44
33	Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops (Amendment 3)	0560-AB46
34	Peanut Warehouse Storage Loans and Handler Operations for the 1986 Through 1990 Crops (Amendment 1)	0560-AB47
35	1990 Wool and Mohair program	0560-AB49
36	1989-90 Marketing Year Penalty Rates for All Kinds of Tobacco Subject to Quotas	0560-AB52
37	1989 - Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB53
38	1989 Milk Price Support Program, July 1, Mandatory Price Support Decrease	0560-AB58
39	1990 Milk Price Support Program	0560-AB59
40	1990-Crop Burley Tobacco Marketing Quotas and Price Support Level	0560-AB61
41	1990-Crop Flue-Cured Tobacco Marketing Quota and Price Support Level	0560-AB62
42	1990-Crop National Average Loan Rates for Quota and Additional Peanuts and Minimum CCC Export Edible Sales Price for Additional Peanuts	0560-AB63
43	1990-Crop Marketing Quotas and Acreage Allotments for Five Kinds of Tobacco	0560-AB65

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
44	1988-Crop Peanut Price Support Program Differentials	0560-AB08
45	1989 Wheat Program	0560-AB14
46	1989 Feed Grain Program	0560-AB15
47	1989 Upland Cotton Program	0560-AB16
48	Common Program Provisions for the 1989 Wheat, Feed Grain, Cotton and Rice Programs	0560-AB17
49	1988 Soybean Loan Program	0560-AB18
50	1988-Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AB19
51	1989 Extra Long Staple (ELS) Cotton Program	0560-AB25
52	Milk Price Support Level, Calendar Year 1989	0560-AB40
53	Burley Tobacco Price Support Restrictions for Nonbaled Tobacco and Nonstandard Containers	0560-AB42
54	Foreign Persons Ineligible for Tobacco Price Support Program Benefits	0560-AB50
55	Formula for Determination of Adjusted World Price for Upland Cotton	0560-AB57

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Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
56	Animal Welfare Regulations; Standards	0579-AA20
57	Importation of Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products	0579-AA21

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
58	Animal Welfare; Definition of Terms and Regulations	0579-AA18

Animal and Plant Health Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
59	Swine Identification	0579-AA19

Cooperative State Research Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
60	Agricultural Research Involving Outdoor Field Testing of Biotechnology - Modified Organisms	0524-AA00

Farmers Home Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
61	Security Servicing for Multiple Housing Loans	0575-AA51
62	Changes to Farmers Home Administration (FmHA) Guaranteed Loan Making and Servicing Regulations as a Result of a Study of the Program Requested by OMB	0575-AA66
63	Rural Rental Housing, Loan Policies, Procedures and Authorities	0575-AA67

Farmers Home Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
64	Property Management	0575-AA03
65	Housing Preservation Grants	0575-AA18
66	Recapture of Section 502 Rural Housing Subsidy	0575-AA29
67	Self-Help Technical Assistance Grants	0575-AA34
68	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA35
69	Security Servicing for Multiple Housing Loans	0575-AA38
70	Management and Collection of Nonprogram (NP) Loans	0575-AA39
71	Complaints and Compensation for Construction Defects	0575-AA41
72	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA42
73	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA49
74	Real Property Insurance	0575-AA53

USDA

Farmers Home Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
75	Security Servicing for Single Family Rural Housing Loans	0575-AA54
76	Rural Rental Housing Loan Policies, Procedures and Authorizations -- Congregate Housing and Group Homes	0575-AA58
77	Secondary Market for Farmer Program Loans	0575-AA59
78	Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations	0575-AA60
79	Farm Labor Loan and Grant Policies, Procedures, and Authorization	0575-AA62
80	Rural Rental Housing Loan Policies, Procedures, and Authorizations -- Cooperative Housing Loans	0575-AA63
81	Processing and Servicing FmHA Assistance to Employees, Relatives and Associates	0575-AA64
82	Adverse Decisions and Administrative Appeals	0575-AA68

Farmers Home Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
83	Management and Supervision of Multiple Family Housing Borrowers	0575-AA20
84	Section 504 Rural Housing Loans and Grants	0575-AA37
85	Rural Housing Program Loans	0575-AA48
86	Predetermined Amortization Schedule System (PASS) Account Servicing	0575-AA52
87	Borrower Supervision Servicing and Collection of Single Family Housing Loan Accounts	0575-AA55
88	Changes to the Farmers Home Administration (FmHA) Farmer Program Loan Making, Supervision and Servicing Regulations to Implement Applicable Provisions of "The Agricultural Credit Act of 1987"	0575-AA56
89	Rural Rental Housing Loan Policies, Procedures and Authorities -- Letters of Credit	0575-AA57
90	Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received -- Single Family Housing	0575-AA61
91	Drought and Disaster Guaranteed Loans	0575-AA65

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
92	Suspension and Debarment Regulations	0575-AA02
93	Changes to the FmHA Farmer Program Loan Making, Supervision and Servicing Regulations to Implement the Applicable Provisions of the "Food Security Act of 1985"	0575-AA23
94	Planning and Performing Construction and Other Development	0575-AA36
95	Analyzing Credit Needs and Graduation of Borrowers	0575-AA40
96	Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients	0575-AA50

Food and Nutrition Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
97	Food Distribution Program on Indian Reservations	0584-AA09
98	Rules of Procedure	0584-AA75
99	Miscellaneous QC Provisions of Hunger Prevention Act of 1988	0584-AA76

Food and Nutrition Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
100	Food Distribution Program - Part 250	0584-AA07
101	Emergency Food Assistance for Victims of Disasters	0584-AA24

USDA

Food and Nutrition Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
102	Conformance with Aid to Families with Dependent Children (AFDC) Rules: Food Stamp Program	0584-AA52
103	Administration/ Management: Food Stamp Program	0584-AA63
104	Employment and Training Requirements Technical Corrections Proposed Rule	0584-AA72
105	Systematic Alien Verification for Entitlements	0584-AA73
106	Child Care Food Program - Adult Day Care Provision	0584-AA74

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
107	Issuance Loss Liability: Food Stamp Program	0584-AA05

Food Safety and Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
108	Eligibility of Foreign Countries for Importation of Products into the United States	0583-AA55

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
109	Requirements for Partially Defatted Meat Products	0583-AA27
110	Control of Salmonella and Other Enteric Bacteria in Meat and Poultry Processing	0583-AA28
111	Voluntary Residue Control Program	0583-AA29
112	Sulfonamide Residues in Swine	0583-AA31
113	Use of Lactic Acid and Acetic Acid as Anti-Microbial Agents on Meat and Poultry Carcasses	0583-AA43
114	Trichina Control Requirements for Dry-Cured Ham	0583-AA49
115	Use and Protection of Approved Water Systems	0583-AA54
116	Certain Products with Meat Ingredients -- Exemptions From Definition of a "Meat Food Product"	0583-AA62
117	Additional Trichina Detection Methods	0583-AA67
118	Net Weight	0583-AA69
119	Use of Sodium Lactate and Potassium Lactate as Flavor Enhancers in Meat and Poultry Products	0583-AA75
120	Requirements for the Production of Fermented Sausage	0583-AA77
121	Partially Cooked, Cured and Smoked Poultry Breakfast Strips	0583-AA82
122	Sodium/Potassium Lactate as Antimicrobial Agents in Specific Meat and Poultry Products	0583-AA83
123	PFF for Turkey Ham	0583-AA84
124	Lactic Acid Starters	0583-AA86
125	Automatic Expiration System for Approved Labels	0583-AA87
126	Cross-Contamination Prevention for All Heat Processed Meat and Poultry Products	0583-AA88
127	Labeling of Frankfurters and Similar Products Containing Binders	0583-AA92
128	Substances Approved for Use in Meat Products -- Revision of Listings	0583-AA93
129	Imported Product; Movement Prior to Reinspection	0583-AA94
130	Liberalization of Regulations Regarding the Sampling Frequency for Sampling Continuous-Type Processing Systems; Early Shipment of Shelf-Stable Products	0583-AA95
131	Review of Retail Store Inspection Exemptions	0583-AA96
132	Processing Requirements for Dried Ready-to-Eat Meat and Poultry Products	0583-AA97
133	Ante-Mortem Inspection of Disabled Animals on Transport Vehicles	0583-AA98
134	Jar Closure Requirements	0583-AB00
135	Exemption From "Equal To" Requirements	0583-AB01
136	Food Additives and GRAS Substances Used as Ingredients in Meat Food and Poultry Products	0583-AB02
137	Streamlined Inspection Systems with Carcass and Giblet Finished Product Standards (Poultry)	0583-AB03

USDA

Food Safety and Inspection Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
138	Export Certification Procedures	0583-AB04

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
139	Determination of Added Water in Cooked Sausages	0583-AA30
140	Cattle Post-Mortem Inspection Procedures and Staffing Procedures	0583-AA32
141	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid, and Calcium Lactate	0583-AA34
142	Ingredients that may be Identified as Flavors or Natural Flavors when used in Meat and Poultry Products	0583-AA44
143	Requirements for Foreign Country Import Certification and Live Animal Importation	0583-AA47
144	Use of Air During Slaughter Operations	0583-AA48
145	Sulfonamide and Antibiotic Residues in Young Veal Calves; Certification Requirements	0583-AA58
146	Use of Certain Binders in Meat and Poultry Products and Transfer of Binders in Text to the Tables of Approved Substances	0583-AA64
147	Immersion Cured and Dry Cured Bacon	0583-AA65
148	Sulfonamide and Antibiotic Residues in Young Veal Calves; Reduced Testing	0583-AA68
149	Labeling of Meat Food Products That Contain Mechanically Separated (Species) Under Certain Circumstances	0583-AA71
150	Implementation of Improved Processing System	0583-AA72
151	Binder Consisting of Sodium Alginate, Calcium Carbonate, Lactic Acid and Calcium Lactate in Ground and Formed Poultry Products	0583-AA73
152	Increase in Use Levels of Sodium Citrate as an Anticoagulant	0583-AA76
153	Use of Various Binders in Cured Pork Products	0583-AA78
154	Use of Sorbitol as a Flavoring Agent in Specific Meat Products	0583-AA79
155	Processing Procedures and Cooking Instructions for Cooked, Uncured Meat Patties	0583-AA81
156	Importation of Livestock Carcasses with Tissues Removed	0583-AA85
157	Use of Tocopherols, Ascorbyl Palmitate and Citric Acid as Antioxidants in Additional Products	0583-AA89
158	Importation of Meat and Poultry Products; Refused Entry Product	0583-AA90
159	Definition of Terms -- "Importation" and "Entry"	0583-AA91
160	Imported Canadian Product; Provision for "Streamlined" Inspection Procedures; Exemption From Official Mark of Inspection	0583-AA99

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
161	Administrative Regulations	0583-AA02
162	Transportation	0583-AA19
163	Various Amendments to Accommodate Inspection of Meat Food Products Under Title IV of the Futures Trading Act of 1986	0583-AA26
164	Streamlined Inspection System for Broilers and Cornish Game Hens	0583-AA38
165	Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Ascorbate, and Sodium Citrate in Fresh Pork Cuts	0583-AA40
166	Safety and Sanitation Requirements for Electrical Stimulating Equipment	0583-AA45
167	Prohibition on Movement of Product Prior to Reinspection	0583-AA53
168	Voluntary Inspection of Exotic Animals	0583-AA60
169	Control of Added Substances and Labeling Requirements for Turkey Ham Products	0583-AA66
170	Disposition of Livestock Thyroid Glands and Larynxes	0583-AA74
171	Restoration of Mexico to List of Countries Eligible to Import to the United States	0583-AA80

USDA

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
172	Determination of the Market Stabilization Price for Sugar for FY 1989	0551-AA20
173	Determination of Import Quotas on Sugar for Fiscal Year 1989	0551-AA21
174	Types and Quantities of Agricultural Commodities Available for Donation Overseas Under Section 416(b) of the Agricultural Act of 1949 for Each Fiscal Year	0551-AA23

Forest Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
175	Part 219 Planning	0596-AA50
176	36 CFR 271 - Use of "Smokey Bear" Symbol	0596-AA66
177	Whiskeytown-Shasta-Trinity National Recreation Area	0596-AA68
178	36 CFR 241 Wildlife: Cooperation in Wildlife Protection, Wildlife Management and Federal Refuge Regulations	0596-AA81
179	Isolated Cabin Policy	0596-AA85
180	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart A - General Provisions	0596-AA89
181	36 CFR 223 Sale and Disposal of National Forest Timber, Subpart B - Timber Sale Contracts	0596-AA90
182	Special Areas	0596-AA91
183	Federal Cave Resources Protection	0596-AB02

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
184	Suspension and Debarment of Timber Purchasers, 36 CFR 223, Subpart C	0596-AA09
185	Land Status and Title Records	0596-AA24
186	Down Payments/Periodic Payments/Market-Related Contract Term Adjustments on National Forests Timber Sales	0596-AA33
187	Grazing and Livestock Use and Management of Wild, Free-Roaming Horses and Burros	0596-AA35
188	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AA36
189	Revise the Definition of "Mechanical Transport" at 36 CFR 293.6(a)	0596-AA39
190	Conservation of Fish, Wildlife, and their Habitats Chugach National Forest, Alaska	0596-AA41
191	Land Exchanges	0596-AA42
192	Small Business Timber Sale Set Aside Program	0596-AA43
193	Revision of Timber Sale Contract Forms FS-2400-6 and FS-2400-6T	0596-AA45
194	Leasable Minerals Other than Oil and Gas	0596-AA46
195	Application Procedures and Fees for Hydroelectric Uses on National Forest System Lands	0596-AA47
196	Locatable Minerals	0596-AA49
197	Grazing Fees; Eastern and Southern Regions	0596-AA55
198	Law Enforcement Support Activities	0596-AA65
199	Increase in Minimum Rates Charged for Timber	0596-AA73
200	36 CFR 261 Prohibitions	0596-AA75
201	Revise Small Tracts Act Regulations	0596-AA79
202	Revise Rules Governing Special Uses of National Forest System Lands and Resources at 36 CFR 251, Subpart B to Remove Ambiguities Regarding First Amendment Rights	0596-AA80
203	Hell's Canyon National Recreation Area - Private Lands	0596-AA88
204	Proposed Solid Waste Disposal Policy	0596-AA92
205	Irrevocable Letter of Credit	0596-AA93
206	Reserved and Outstanding Mineral Rights	0596-AA99
207	Douglas-Fir Lumber Price Index Review	0596-AB00
208	Disposal of Quartz Mineral on the Ouachita National Forest	0596-AB01
209	Pre-Award Information Requirements	0596-AB03

USDA

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
210	Access to Non-Federal Lands	0596-AA31
211	Modify the General Prohibition Against Use of Vehicles in Excess of 40 Inches in Width on Trails	0596-AA38
212	Definition of Common Variety Mineral Materials	0596-AA44
213	Indian Allotments on National Forest System Lands	0596-AA52
214	Prohibitions; Fossil Collecting	0596-AA56
215	Ski Area Term Permits	0596-AA57
216	Oil and Gas Resources	0596-AA82
217	Surety Bond Form Revision	0596-AA94
218	Deferral of Payments on High-Priced Timber Sales	0596-AA97

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
219	Appeal of Decisions of Forest Officers	0596-AA51
220	Official Forest Service Insignia	0596-AA59
221	Noncompetitive Disposal of Mineral Materials	0596-AA60
222	Sale of Timber Where Total Public Benefits May Not Meet or May Exceed Total Costs	0596-AA74
223	Use of "Woodsy Owl" Symbol	0596-AA76
224	Modification of Timber Sale Downpayment Requirements	0596-AA83
225	Timber Sale Financial Security	0596-AA87
226	Surety Revocation Procedures	0596-AA95
227	Settlement of Defaulted Timber Sale Contracts	0596-AA96
228	Market-Related Contract Term Additions	0596-AA98

Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
229	Annual Reports	0590-AA04

Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
230	Scales; Accurate Weights, Repairs, Adjustments or Replacements after Inspection	0590-AA05

Rural Electrification Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
231	Accounting Requirements for REA Electric Borrowers	0572-AA23
232	Procedures for Securing Rural Electrification Administration Approval of Consolidating/Merger Electric Borrowers	0572-AA25
233	Financial Forecast - Electric Distribution Borrowers	0572-AA26

USDA

Rural Electrification Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
234	Loan Account Computations, Procedures and Policies	0572-AA19
235	List of Standard Forms of Telecommunications Contracts	0572-AA20
236	Telephone System Construction Contract	0572-AA21
237	Prepayment of REA Guaranteed Federal Financing Bank Loans	0572-AA29
238	Loan Security Documents - Telephone Program	0572-AA30
239	Telephone Materials, Equipment, and Construction - Telephone Program	0572-AA31

Rural Electrification Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
240	Cushion of Credit Account Computations and Procedures	0572-AA22
241	General Policies, Types of Loans, Loan Requirements - Telephone Program Preloan Procedures and Requirements - Telephone Program	0572-AA28
242	Advance and Disbursement of Funds; Telephone	0572-AA32

Rural Electrification Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
243	Electric Loan Policies & Application Procedures	0572-AA24
244	Rural Development	0572-AA27

Soil Conservation Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
245	Snow Surveys and Water Supply Forecasts	0578-AA01
246	Relocation Assistance	0578-AA12

Soil Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
247	Soil Surveys	0578-AA00
248	Farmland Protection Policy Act	0578-AA14

Office of Operations—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
249	Agriculture Acquisition Regulation	0599-AA00

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Agricultural Marketing Service (AMS)

1. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627; Agricultural Marketing Act of 1946; 21 USC 1031 to 1056; Egg Products Inspection Act; 7 USC 51 et seq Cotton Standards Act; 7 USC 511 to 511q; Tobacco Inspection Act; 7 USC 499a to 499s; Perishable Agricultural Commodities Act; 7 USC 471 to 476; Cotton Statistics and Estimates Act of 1927; 7 USC 511r; Tobacco Adjustment Act of 1983; 7 USC 15b; US Cotton Futures Act

CFR Citation: 7 CFR 27 to 209

Legal Deadline: None

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Wyatt, Regulatory Review Officer, Department of Agriculture, Agricultural Marketing Service, Room 3516-S, Washington, DC 20250, 202 447-3785

RIN: 0581–AA19

2. ● PROPOSED NEW MILK MARKETING ORDER FOR NORTH CAROLINA AND SOUTH CAROLINA

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674 Agricultural Marketing Agreement Act

CFR Citation: 7 CFR 1005 (New)

Legal Deadline: None

Abstract: To establish minimum uniform classified use prices to processors for raw milk received from producers and marketed in the current of interstate commerce. The States do not have authority to price the milk originating from out-of-State sources. The producer grouped in the Carolinas request that a Federal order be established to provide minimum prices to all dairy farmers whose milk is marketed in the Carolinas.

Timetable:

Action	Date	FR Cite
NPRM Public Hearing	04/17/89	54 FR 11206

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Clayton Plumb, Chief, Order Formulation Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2732 South Bldg., Washington, DC 20250, 202 447-6273

RIN: 0581–AA28

3. ● PROPOSED NEW MARKETING AGREEMENT AND ORDER FOR SEEDLESS EUROPEAN CUCUMBERS

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674, Agricultural Marketing Agreement Act of 1937

CFR Citation: 7 CFR 968 (New)

Legal Deadline: None

Abstract: To establish minimum quality standards, container requirements and market promotion. The proposal was submitted by the Greenhouse Vegetable Growers Association. The proposed agreement and order would promote the quality and pack of seedless European cucumbers in the marketplace. In addition, it would enable the establishment of production research and marketing research and development activities to improve production practices and increase the consumption of seedless European cucumbers. The program would be financed by assessments levied on seedless European cucumber handlers. The assessment rate would be recommended by the committee and approved by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	52 FR 24070
NPRM Public hearing	06/22/88	52 FR 24070
NPRM Recommended Decision	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, 202 447-2491

RIN: 0581–AA30

4. ● PROPOSED NEW MARKETING AGREEMENT AND ORDER TX-NM (HIGH PLAINS) POTATOES

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674, Agricultural Marketing Agreement Act of 1937

CFR Citation: 7 CFR 949 (New)

Legal Deadline: None

Abstract: The proposed new program would establish minimum standards of quality and maturity by grades and sizes for potatoes produced in the area. It would also provide for production research, and marketing research and development. In general, the proposed order was designed to regulate the quality of shipped potatoes and improve marketing conditions. The program would be financed by assessments on handlers.

Timetable:

Action	Date	FR Cite
NPRM Public Hearing	04/04/88	53 FR 10887
Recommended Decision	01/25/89	54 FR 4804
Secretary's Decision	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, 202 447-2491

RIN: 0581–AA31

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Marketing Service (AMS)

5. ● PROPOSED MARKETING ORDER FOR VIDALIA ONIONS GROWN IN GEORGIA

Significance: Agency Priority

Legal Authority: 7 USC 601 to 674, Agricultural Marketing Agreement Act of 1937

CFR Citation: 7 CFR 955 (New)

Legal Deadline: None

Abstract: To authorize production and marketing research and promotion projects including paid advertising for Vidalia onions. The primary objective of this program would be to improve grower returns by strengthening consumer demand through various promotion activities and by reducing costs through production and marketing research. The program would be financed by assessments on handlers. Vidalia onion producers will vote in a referendum to determine whether they favor issuance of the proposed interim marketing order.

Timetable:

Action	Date	FR Cite
NPRM	08/23/88	52 FR 32054
NPRM Public Hearing	08/23/88	53 FR 32054
Tentative Decision and Referendum Order	02/24/89	54 FR 8160
Interim Final Rule	03/16/89	54 FR 10972
Comment period end	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, 202 447-2491

RIN: 0581–AA29

6. ● PROPOSED NEW NATIONAL WATERMELON RESEARCH AND PROMOTION PLAN

Significance: Agency Priority

Legal Authority: 7 USC 4901 to 4916 Watermelon Research and Promotion Act

CFR Citation: 7 CFR 1210 (New)

Legal Deadline: None

Abstract: The proposed National Watermelon Research and Promotion Plan would authorize research and promotion projects, including paid advertising to expand the domestic and foreign market for watermelons. It would be financed by assessments on producers and handlers.

Timetable:

Action	Date	FR Cite
NPRM Public Hearing	04/17/87	52 FR 13086
Recommend Decision	03/24/88	53 FR 09637
Secretary's Decision	12/20/88	53 FR 51110
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jay Guerber, Marketing Order Administrative Branch, Fruit and Vegetable Division, Department of Agriculture, Agricultural Marketing Service, Room 2525 South Bldg., Washington, DC 20250, 202 447-2491

RIN: 0581–AA32

DEPARTMENT OF AGRICULTURE (USDA)

Prerule Stage

Agricultural Stabilization and Conservation Service (ASCS)

7. 1990 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

Legal Authority: 7 USC 1444(h); Agricultural Act of 1949, as amended, Sec 103(h)

CFR Citation: 7 CFR 1427

Legal Deadline: Final, Statutory, December 1, 1989.

Abstract: To assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, conserve natural resources, hold down Federal costs, and comply with statutory requirements. Primary determinations to be made are (1) loan rate--not less than 85% of average market price over previous 5 years excluding the high and low prices, (2) target price--120% of the loan level, and (3) acreage reduction--to be set at such a level as to assure that total supplies will not be excessive. Decisions also to be made on whether or not to implement paid land diversion or advance deficiency payments. The cost to USDA will likely range from $0 to $1.0 million.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB43

8. 1990 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; The Agricultural Act of 1949, as amended, Sec 101

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719 to 720; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Final, Statutory, January 31, 1990.

Abstract: To assure sufficient supplies of rice for domestic and export use, support farm income, combat inflation, hold down Government costs, conserve natural resources, and comply with statutory requirements. Primary determinations to be made are (1) loan and purchase rates--85 percent of the previous 5-year average, excluding the high and low years, but cannot be reduced more than 5 percent from previous year's level nor be lower than $6.50/cwt, (2) target price--no lower

than $10.71/cwt, (3) acreage limitation--no more than 35 percent, with a target carryover level of 40 million cwt. Determinations are also to be made on (1) a land diversion program, (2) advance deficiency/diversion payments, (3) purchase of marketing certificates under marketing loan, (4) loan deficiency payments, (5) inventory reduction program (half-ARP), and (6) loan rate adjustments (loan differentials). The expected cost to USDA is $1.1 billion.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB45

9. 1989 SOYBEAN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1446; The Agricultural Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1421.365 to 1421.374

Legal Deadline: Final, Statutory, October 1, 1989.

Abstract: To assure sufficient supplies of soybeans for domestic and export use, support farm income, combat inflation, hold down Federal costs, and comply with statutory requirements. Determinations to be made are (1) loan and purchase rates--with a probable range of $4.50-$4.53/bu., and (2) whether to implement a marketing loan program. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB48

10. 1989-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Adjustment Act of 1938, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, March 1, 1989.

Abstract: Marketing quotas and acreage allotments are required by legislation. Their objective is to balance supply with demand at levels that assure stable supplies for domestic and export use. A net receipt of $14 million is expected.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB51

11. 1990-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Adjustment Act of 1938, Sec 358, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1989.

Abstract: The objective of this action is to balance supply with demand at levels that assure stable supplies for domestic use and assure producers a stable income. This action is required by legislation, which provides a formula for computing the national quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses, and may not be less than 1.1 million tons. A net cost of $1 million is expected.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB54

12. 1990 UPLAND COTTON PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444-1; The Agricultural Act of 1949, as amended, Sec 103A

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: To assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, support farm income, combat inflation, hold down Federal costs and comply with statutory requirements. Determinations to be made are (1) loan rate--not less than 50.00 cents/lb., (2) target price--not less than 72.90 cents/lb., (3) loan repayment rate--if world price is below loan rate, repayment rate may be set by 1 of 2 options: (Plan A or Plan B, Sec. 103A(a(5))), (4) acreage reduction--no greater than 25%, and (5) other provisions: whether or not to implement voluntary paid land diversion, half-compliance program, advance deficiency or diversion payments and PIK payments. The cost to USDA will likely range from $1.0 to $3.0 billion.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

USDA—ASCS **Prerule Stage**

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB55

13. 1990 FEED GRAIN PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1444e; 7 USC 1421; The Agricultural Act of 1949, as amended, Sec 105c and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718; 7 CFR 719; 7 CFR 792; 7 CFR 794; 7 CFR 795; 7 CFR 796; 7 CFR 1421.734

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: To provide an adequate feed grain supply for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements. Primary determinations to be made are (1) loan and purchase rates--probable range of $1.57-$1.96/bu for corn, with rates for other feed grains set in relation to that for corn, (2) target prices--not less than $2.75/bu for corn, with rates for other feed grains set in relation to that for corn, and (3) acreage adjustment--not less than 12.5% nor more than 20%, if corn carryin is projected to exceed 2 billion bu. Decisions also to be made on whether to implement (1) a paid land diversion, (2) a marketing loan, (3) a half-compliance program, (4) incentives for farmers to participate in the FOR, and (5) price support for corn silage. The cost to USDA will likely range from $6.0-$8.0 billion.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB56

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

14. 1989 PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Significance: Agency Priority

Legal Authority: 7 USC 1445; The Agricultural Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: None

Abstract: To stabilize tobacco prices and comply with statutory requirements, price support levels are set by statutory formula, based on a prices paid index. The Secretary may lower price support at the request of producer associations. Increases may be limited to 65% of the increase otherwise established. A net receipt of $9 million is expected.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
Final Action	09/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB32

15. 1989-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); The Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None

Abstract: Legislation requires that 1989-crop honey be supported at 95 percent of the 1988 level, or $0.5636 per pound. It also provides the Secretary the discretion to allow loan repayment at a lower rate. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of honey in domestic and export markets. Alternatives to be considered are: the type of support to offer, whether loans, purchases, or loans and purchases, and whether to implement the lower repayment provision. Government costs under the lower repayment provision would be expected to be under $60 million.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB37

16. COMMON PROGRAM PROVISIONS FOR THE 1990 WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS

Significance: Regulatory Program

Legal Authority: 7 USC 1421 et seq; The Agricultural Act of 1949, as amended, Sec 107d

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Legal Deadline: None

Abstract: To make and implement determinations that are common to each of the 1989 Wheat, Feed Grain, Cotton and Rice Programs. Determinations are to be made on (1) production of approved non-program

crops on underplanted program crop permitted acreage, (2) production of alternative crops on reduced acreage, (3) haying and grazing of underplanted program crop permitted acreage and ACR conservation use acreage, (4) offsetting and cross compliance, (5) an advance recourse loan program, (6) multi-year set-asides, (7) the shift of 10 percent of a farm's acreage base between program commodity acreage bases, (8) consideration of actual 1990-crop yields in establishing a subsequent year's program payment yield, (9) advance deficiency and diversion payments, (10) interest certificate payments, (11) provisions for commodity payment certificates, and (12) the enrollment period.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB38

17. 1990 WHEAT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1445b-3; 7 USC 1710; The Agricultural Adjustment Act of 1949, Secs 107D and 110

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796

Legal Deadline: Final, Statutory, June 1, 1989.
(For announcement of acreage adjustment levels)

Abstract: To provide an adequate wheat supply for domestic and foreign utilization, increase the competitiveness of U.S. exports, support farm income, combat inflation, hold down Federal costs, conserve natural resources, and comply with statutory requirements.

Primary determinations to be made are (1) loan and purchase rate -- minimum probable range of $1.95 to $2.44 per bushel, (2) target price -- at least $4.00 per bushel, and (3) acreage adjustment -- not less than 20% nor more than 30%, if carryin exceeds 1 billion bushels; no more than 20% if carryin is below 1 billion bushels. Decisions also to be made on whether to implement (1) a marketing loan program and related programs, (2) a paid land diversion, (3) advance deficiency/diversion payments, (4) generic certificate program, and (5) incentives for farmers to participate in the FOR. The expected cost is $2.0-$4.0 billion.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB41

18. ● 1990-CROP HONEY PRICE SUPPORT PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 1446(b); The Agricultural Act of 1949, as amended, Sec 201(b)

CFR Citation: 7 CFR 1434.26; 7 CFR 1434.27

Legal Deadline: None

Abstract: Legislation requires that 1990-crop honey be supported at 95 percent of the 1989 level, or $0.5402 per pound. This price support level must be further reduced by $0.0025 per pound under the provisions of the Omnibus Budget Reconciliation Act of 1987. Legislation also provides the Secretary with the discretion to allow loan repayment at a rate below the support level. The objective of a lower repayment rate is to (1) minimize loan forfeitures, (2) avoid excessive stocks, (3) reduce Federal storage costs, and (4) maintain the competitiveness of U.S. honey in domestic and export markets. Determinations to be made are (1) the type of support to offer (loans, purchases, or loans and purchases), and (2) implementation of the lower repayment provision. Federal outlays are expected to be less than $60 million if the lower repayment provision is adopted.

Timetable:

Action	Date	FR Cite
NPRM	01/15/90	
Final Action	04/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB60

19. ● 1990 PRICE SUPPORT LEVELS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1445; The Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

Legal Deadline: None

Abstract: To stabilize prices for five kinds of tobacco and comply with statutory requirements, price support levels are set by statutory formula, based on a prices paid index. The Secretary may lower the price support level at the request of producer associations. Increases may be limited to 65 percent of the formula increase. This price support program is expected to result in net Federal receipts of approximately $16 million in FY 1990.

Timetable:

Action	Date	FR Cite
NPRM	05/01/90	
Final Action	08/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB64

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Agricultural Stabilization and Conservation Service (ASCS)

20. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Legal Deadline: None

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
NPRM	07/11/88	53 FR 26081
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA38

21. PRICE SUPPORT LOAN PROGRAM FOR 1986 THROUGH 1990-CROPS SUGAR BEETS AND SUGARCANE

Significance: Regulatory Program

Legal Authority: 7 USC 1446; Ag Act of 1949, as amended, Sec 201

CFR Citation: 7 CFR 1435

Legal Deadline: Final, Statutory, October 1, 1986.

Abstract: The 1949 Act, as amended by the Food Security Act of 1985, requires the Secretary to support the price of domestically grown sugarcane and sugar beets through a nonrecourse loan program effective for the 1986 through 1990 crops. The object of this action is to develop program and operation provisions for administering a sugar price support program. (ASCS 86-048)

Timetable:

Action	Date	FR Cite
Announcement	10/01/86	
Interim Final Rule	10/29/86	51 FR 39507

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA74

22. 1989-CROP PEANUTS NATIONAL POUNDAGE QUOTA

Significance: Agency Priority

Legal Authority: 7 USC 1358; The Agricultural Act of 1938, as amended, Sec 358

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1988.
(For announcement of national poundage quota only)

Abstract: To balance supply with demand at levels that assure stable supplies for domestic use and assure producers a reasonable income.

This action is required by legislation, which provides a formula for computing the national poundage quota. The quota must equal the amount estimated to be devoted to domestic edible, seed, and related uses and may not be less than 1.1 million tons. The expected cost is $1 million. (ASCS 87-020)

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47740
NPRM Comment Period End	12/07/88	
Announcement	12/15/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB13

23. 1989 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended, Sec 703

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner which will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. The support price for mohair must be set at a level not more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported. The expected cost is $100 million to $200 million. (ASCS 87-027)

Timetable:

Action	Date	FR Cite
NPRM	11/28/88	53 FR 47838
NPRM Comment Period End	01/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AB20

24. CCC COTTON LOAN PROGRAM REGULATIONS--SETTLEMENT, FRAUD, AND CONVERSION PROVISIONS

Legal Authority: 15 USC 714b to c; Commodity Credit Corporation Charter Act, Secs 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: This action will update regulations to (1) clarify settlement provisions and (2) incorporate fraud or conversion language in order to make the regulations for cotton consistent with those for grain. No cost to Government is expected. (ASCS 87-015)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/21/89	54 FR 11493
Interim Final Rule Effective	03/21/89	
Comment Period End	04/20/89	

USDA—ASCS

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB22

25. DAIRY INDEMNITY PAYMENT PROGRAM--JANUARY 1, 1988 - SEPTEMBER 30, 1990

Legal Authority: PL 90-484, Sec 1 to 3, as amended; PL 91-524, Sec 204, as amended; PL 93-86, Sec 5; PL 95-113, Sec 205; 7 USC 450 j, k, and l

CFR Citation: 7 CFR 760.1 to 760.34

Legal Deadline: None

Abstract: This action will extend the program through September 30, 1990. The purpose of the program is to indemnify dairy farmers for milk dumped because of contamination that is not the fault of the producer and dairy manufacturers for dairy products removed from the market through no fault of the manufacturers. The alternative is to discontinue the program. The cost to the Government for FY 1988 through FY 1990 is estimated to be about $500,000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/01/88	53 FR 44001
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB30

26. 1989-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

Legal Authority: 7 USC 1423; Agricultural Act of 1949, Sec 403; 15 USC 714c; Commodity Credit Corporation Charter Act, Sec 5

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The Secretary of Agriculture is authorized to make appropriate adjustments in the support price for peanuts for differences in grade, type, quality, location, and other factors to ensure that price support levels are representative of the market values of the various types. The average of the price support levels must, as far as is practicable, equal the national average price support level as determined by legislation. No alternatives are considered and the cost to Government will be negligible.

Timetable:

Action	Date	FR Cite
Announcement	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB31

27. 1989-CROP NATIONAL AVERAGE LOAN RATE AND MINIMUM CCC EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445C-2; Agricultural Act of 1949, Sec 108B

CFR Citation: None

Legal Deadline: Final, Statutory, February 15, 1989.

Abstract: This action is required by legislation, which provides guidelines for the establishment of the additional support level. The objective is to support farm income and stabilize prices.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB33

28. 1989-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1312; The Agricultural Act of 1938, as amended, Sec 312 to 313; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: 7 CFR 724

Legal Deadline: Final, Statutory, February 1, 1989.

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers. Quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. Price support is based on a formula that is 2/3 weight average market prices and 1/3 weight cost index, plus discretion to limit any increase to 65 percent. A net receipt of $131 million is expected.

Timetable:

Action	Date	FR Cite
Announcement	01/31/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB34

29. 1989-CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1311 to 1313; Agricultural Adjustment Act of 1938, Sec 311 to 313, as amended; 7 USC 1445; Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

USDA—ASCS **Final Rule Stage**

Legal Deadline: Final, Statutory, December 15, 1988.
(For announcement of price support level)

Abstract: Marketing quotas and price support are required by legislation. Their objectives are to balance supply with demand at levels assuring stable supplies for domestic and export use at prices fair to producers. The quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that is 2/3 weight average market prices and 1/3 weight cost index, with discretion to limit any increase to 65 percent. A net receipt of $153 million is expected.

Timetable:

Action	Date	FR Cite
Announcement	12/15/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB35

30. 1989-CROP NATIONAL AVERAGE PRICE SUPPORT LEVEL FOR QUOTA PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445c-2; Agricultural Act of 1949, Sec 108B

CFR Citation: None

Legal Deadline: Final, Statutory, February 15, 1989.

Abstract: This action is required by legislation, which provides a formula for computing the quota support level. The objective is to support farm income and stabilize prices.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB36

31. 1989 RICE PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1441; Agricultural Act of 1949, Sec 101, as amended

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 720; 7 CFR 794 to 796; 7 CFR 1421

Legal Deadline: Final, Statutory, January 31, 1989.
(For announcing loan, target, and acreage limitation level.)

Abstract: To provide an adequate supply of rice for domestic and foreign utilization, support farm income, combat inflation, hold down Federal costs, conserve resources, and comply with statutory requirements.

Primary determinations to be made are (1) loan and purchase rates -- 85% of the previous 5-year average, excluding the high and low years, but cannot be reduced more than 5% from the previous year's level nor be lower than $6.50/cwt, (2) target price -- no lower than $10.80 cwt, (3) acreage limitation -- no more than 35%, with a target carryover level of 30 million cwt. Determinations are also to be made on (1) a land diversion program, (2) advance deficiency/diversion payments, (3) purchase of marketing certificates under the marketing loan, (4) loan deficiency payments, (5) inventory reduction program (half-ARP), and (6) loan rate adjustments (loan differentials). The expected cost to Government is $600 million.

Timetable:

Action	Date	FR Cite
NPRM	10/06/88	53 FR 39322
NPRM Comment Period End	11/21/88	
Announcement	12/01/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact & Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, PO Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB39

32. 1989 CCC COTTON LOAN PROGRAM REGULATIONS -- BALE PACKAGING MATERIALS

Legal Authority: 15 USC 714b and 714c; Commodity Credit Corporation Charter Act, Sec 4 and 5

CFR Citation: 7 CFR 1427

Legal Deadline: None

Abstract: To incorporate by reference the specifications for bale packaging materials used in wrapping cotton for 1989 that were approved by the Joint Cotton Industry Bale Packaging Committee and that are acceptable to CCC. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB44

33. PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS FOR THE 1986 THROUGH 1990 CROPS (AMENDMENT 3)

Legal Authority: 7 USC 714b and 714c; 7 USC 1441; 7 USC 1421 et seq; 7 USC 1359; 7 USC 1375

CFR Citation: 7 CFR 1446

Legal Deadline: None

Abstract: This action would amend the regulations to (1) incorporate the Peanut Administrative Committee's changes in definition of Segregation 1 and 2 peanuts with regard to loose-shelled kernels in excess of 14.49 percent, and the change in moisture limit to 10.49 percent, (2) change the priority for making marketing pool distributions so that pool offsets are made in the same priority within each area and cross-area when needed, (3) change the date for submitting letters of credit to 10 days

following the final date for submitting contracts, and adding peanuts for processing to the amount of peanuts for which a letter of credit is due, and (4) change shrink allowance to 2 percent. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/15/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB46

34. PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS FOR THE 1986 THROUGH 1990 CROPS (AMENDMENT 1)

Legal Authority: 15 USC 714b and 714c; 7 USC 1441 et seq; 7 USC 1359; 7 USC 1375

CFR Citation: 7 CFR 1446

Legal Deadline: None

Abstract: This action would amend the regulations to allow export credits for crushing sound mature kernels (SMK) and sound split (SS) kernels. This action is needed because current regulations do not provide non-physically supervised handlers an alternative market for SMK and SS kernels other than the export market. An alternative market is needed when the export market is lost or when the peanuts become ineligible for export due to aflatoxin contamination.

Alternatives considered are: (1) Permit a one-time switch to physically supervised crushing of SMK and SS peanuts, regardless of quality, (2) permit prorated credit (based on ratio of contract additional peanuts purchased to total peanuts purchased) for peanuts crushed due to aflatoxin contamination, (3) permit a one-time switch to physically supervised crushing of peanuts that meet edible export standards. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB47

35. 1990 WOOL AND MOHAIR PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1782 et seq; National Wool Act of 1954, as amended, Sec 201

CFR Citation: 7 CFR 1468; 7 CFR 1472

Legal Deadline: None

Abstract: To encourage the continued domestic production of wool at prices fair to both producers and consumers, in a manner which will ensure a viable domestic wool industry in the future, by supporting the price of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. Determination is to be made on the support level for mohair, which may not be more than 15 percent above or below the comparable percentage of parity at which shorn wool is supported. The cost to USDA will likely range from $0.1 to $0.2 billion.

Timetable:

Action	Date	FR Cite
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB49

36. 1989-90 MARKETING YEAR PENALTY RATES FOR ALL KINDS OF TOBACCO SUBJECT TO QUOTAS

Legal Authority: 7 USC 1314; The Agricultural Adjustment Act of 1938, as amended, Sec 314

CFR Citation: None

Legal Deadline: None

Abstract: This action announces the penalty rates for all kinds of tobacco for the 1989-90 marketing year. Legislation provides that the penalty shall be 75 percent of the previous year's average market price. Tobacco producers, warehousemen, and dealers need to be advised of the penalty rates prior to the beginning of the marketing year.

Timetable:

Action	Date	FR Cite
Final Action	06/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB52

37. 1989 - CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

Legal Authority: 7 USC 1421; 7 USC 1446; The Agricultural Act of 1949, as amended, Secs 201 and 401

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: To set forth (1) loan rates applicable to 1989-crop sugar beets and sugarcane, and (2) the 1989-crop minimum price support levels processors are required to pay their growers. The minimum national average loan rate is set by statute at $0.18/lb. for sugarcane with the rate for sugar beets set at such level as the Secretary determines is fair and reasonable in relation to that for sugarcane. No impact on Government outlays is expected. However, the cost to consumers and other users of sugar will likely exceed $2 billion.

Timetable:

Action	Date	FR Cite
Final Action	09/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB53

38. ● 1989 MILK PRICE SUPPORT PROGRAM, JULY 1, MANDATORY PRICE SUPPORT DECREASE

Significance: Regulatory Program

Legal Authority: 7 USC 1430; Agricultural Act of 1949, as amended; 7 USC 1446; The Disaster Assistance Act of 1988, Sec 102b

CFR Citation: 7 CFR 1430

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The Disaster Assistance Act of 1988 required a temporary increase in the milk support price of 50 cents per hundredweight for the period April 1, 1989 through June 30, 1989. This action will eliminate that temporary price increase for the remainder of the year. Federal outlays for the 1989 Milk Price Support Program are expected to be approximately $662 million in FY 1989.

Timetable:

Action	Date	FR Cite
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB58

39. ● 1990 MILK PRICE SUPPORT PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 1430; Agricultural Act of 1949, Sec 201, as amended

CFR Citation: 7 CFR 1430

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: The objective of this action is to support farm income and stabilize prices. Legislation requires that if estimated price support purchases of dairy products for 1990 exceed 5 billion pounds (milk equivalent), the Secretary of Agriculture shall reduce the milk support price by 50 cents per hundredweight on January 1, 1990, and, if estimated purchases for 1990 are less than 2.5 billion pounds (milk equivalent), the Secretary shall increase the support price by 50 cents per hundredweight. Federal outlays for the 1990 Milk Price Support Program are expected to be approximately $800 million in FY 1990.

Timetable:

Action	Date	FR Cite
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB59

40. ● 1990-CROP BURLEY TOBACCO MARKETING QUOTAS AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; The Agricultural Act of 1938, as amended, Sec 314; 7 USC 1445; The Agricultural Adjustment Act of 1949, as amended, Sec 106

CFR Citation: None

Legal Deadline: Final, Statutory, February 1, 1990.

Abstract: Burley marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weighs average market prices (2/3) and a cost index (1/3), plus discretion to limit any increase to 65 percent of the formula increase. Federal net outlays for the 1990-crop burley tobacco program are expected to be approximately $35 million in FY 1990. These outlays will be offset by receipts in FY 1991.

Timetable:

Action	Date	FR Cite
Final Action	02/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB61

41. ● 1990-CROP FLUE-CURED TOBACCO MARKETING QUOTA AND PRICE SUPPORT LEVEL

Significance: Agency Priority

Legal Authority: 7 USC 1314; Agricultural Adjustment Act of 1938, Sec 314, as amended; 7 USC 1445; Agricultural Act of 1949, Sec 106, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, December 15, 1989.

Abstract: Flue-cured tobacco marketing quotas and price support are required by legislation. The purpose of quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are fair to producers. The national quota is based on manufacturers' intentions, 3-year average exports, an adjustment to maintain loan stocks, and a discretionary adjustment of plus or minus 3 percent. The price support level is based on a formula that weighs average market prices (2/3) and a cost index (1/3), with discretion to limit any increase to 65 percent of the formula increase. The 1990-crop flue-cured tobacco program is expected to result in net Federal receipts of approximately $80 million in FY 1990.

USDA—ASCS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	12/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Prgram Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box, 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB62

42. ● 1990-CROP NATIONAL AVERAGE LOAN RATES FOR QUOTA AND ADDITIONAL PEANUTS AND MINIMUM CCC EXPORT EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Significance: Agency Priority

Legal Authority: 7 USC 1445c-2; Agricultural Act of 1949, Sec 108.13, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, February 15, 1990.

Abstract: The objective of this action is to support farm income and stabilize prices. The action is required by legislation. It provides a formula for calculating the loan rate for quota peanuts and guidelines for establishing the loan rate for additional peanuts. A determination must also be made on the sales price for export edible additional peanuts.

Timetable:

Action	Date	FR Cite
Final Action	02/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB63

43. ● 1990-CROP MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR FIVE KINDS OF TOBACCO

Legal Authority: 7 USC 1312(a) et seq; The Agricultural Adjustment Act of 1938, Sec 312, as amended

CFR Citation: None

Legal Deadline: Final, Statutory, March 1, 1990.

Abstract: Marketing quotas and acreage allotments are required by legislation for these five kinds of tobacco. The purpose of quotas and allotments is to balance supply with demand at levels that assure stable supplies for domestic and export use at prices that are fair to producers. Marketing quota and acreage allotment determinations are based on 10-year average marketings adjusted for trends to yield optimal supplies.

The marketing quota and allotment program is expected to result in net Federal receipts of approximately $15 million in FY 1990.

Timetable:

Action	Date	FR Cite
Final Action	03/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Chief, Regulatory Impact and Program Analysis Branch, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560–AB65

DEPARTMENT OF AGRICULTURE (USDA) — Completed Actions

Agricultural Stabilization and Conservation Service (ASCS)

44. 1988-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
No further action will be taken	05/27/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB08

45. 1989 WHEAT PROGRAM

Significance: Agency Priority

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796

Completed:

Reason	Date	FR Cite
Final Action	02/03/89	54 FR 5526
Final Action Effective	02/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB14

46. 1989 FEED GRAIN PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 718 to 719; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1421.720 to 1421.734

Completed:

Reason	Date	FR Cite
Final Action	02/03/89	54 FR 5528
Final Action Effective	02/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB15

47. 1989 UPLAND COTTON PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 707; 7 CFR 709; 7 CFR 713; 7 CFR 719; 7 CFR 770; 7 CFR 792; 7 CFR 794 to 796; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	02/28/89	54 FR 8369
Final Action Effective	02/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB16

48. COMMON PROGRAM PROVISIONS FOR THE 1989 WHEAT, FEED GRAIN, COTTON AND RICE PROGRAMS

Significance: Regulatory Program

CFR Citation: 7 CFR 713; 7 CFR 1421; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	02/03/89	54 FR 5526
Final Action Effective	02/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB17

49. 1988 SOYBEAN LOAN PROGRAM

Significance: Regulatory Program

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	09/30/88	53 FR 38310
Final Action Effective	08/12/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB18

50. 1988-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

Significance: Regulatory Program

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	09/30/88	53 FR 38311
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB19

51. 1989 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	03/08/89	54 FR 9865
Final Action Effective	03/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB25

52. MILK PRICE SUPPORT LEVEL, CALENDAR YEAR 1989

Significance: Regulatory Program

CFR Citation: 7 CFR 1430

Completed:

Reason	Date	FR Cite
Final Action	01/12/89	54 FR 1197
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB40

53. BURLEY TOBACCO PRICE SUPPORT RESTRICTIONS FOR NONBALED TOBACCO AND NONSTANDARD CONTAINERS

CFR Citation: 7 CFR 1464

Completed:

Reason	Date	FR Cite
Withdrawn	10/25/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB42

54. FOREIGN PERSONS INELIGIBLE FOR TOBACCO PRICE SUPPORT PROGRAM BENEFITS

CFR Citation: 7 CFR 1464.7

Completed:

Reason	Date	FR Cite
Final Action	10/28/88	53 FR 43674
Final Action Effective	10/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB50

55. FORMULA FOR DETERMINATION OF ADJUSTED WORLD PRICE FOR UPLAND COTTON

Significance: Agency Priority

CFR Citation: 7 CFR 26

Completed:

Reason	Date	FR Cite
Final Action	02/07/89	54 FR 5921
Final Action Effective	02/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560–AB57

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Animal and Plant Health Inspection Service (APHIS)

56. ANIMAL WELFARE REGULATIONS; STANDARDS

Significance: Regulatory Program

Legal Authority: 7 USC 2142; 7 USC 2143

CFR Citation: 9 CFR 3.1 to 3.17, (Revision); 9 CFR 3.25 to 3.41, (Revision); 9 CFR 3.75 to 3.91, (Revision)

Legal Deadline: None

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131 et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. APHIS is proposing to amend, revise, and expand the "Standards" relating to dogs and cats, guinea pigs and hamsters, and nonhuman primates, and will include provisions for exercise of dogs and for promoting the psychological well-being of primates.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: R. L. Crawford, Director, Animal Care Staff, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 268, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-7854**

RIN: 0579–AA20

57. IMPORTATION OF NURSERY STOCK, PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS

Significance: Agency Priority

Legal Authority: 7 USC 150dd to 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319.37

Legal Deadline: None

Abstract: To prevent the introduction of plant pests and diseases, Plant Protection and Quarantine (PPQ) prohibits or restricts the importation of living plants, roots, bulbs, seeds, and related articles. PPQ is updating the lists of prohibited and restricted articles and is revising the regulatory requirements for importation of various articles. These revisions will allow the importation of certain living plants and related articles under appropriate regulatory controls, and will prohibit the importation of other living plants and related articles.

Timetable:

Action	Date	FR Cite
Public Hearing	01/00/89	
NPRM Comment Period End	05/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frank Cooper, Senior Operations Officer, Port Operations Staff, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Federal Building, Room 637, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8248**

RIN: 0579–AA21

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Animal and Plant Health Inspection Service (APHIS)

58. ANIMAL WELFARE; DEFINITION OF TERMS AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 7 USC 2133; 7 USC 2135; 7 USC 2136; 7 USC 2140; 7 USC 2141; 7 USC 2142; 7 USC 2143; 7 USC 2144; 7 USC 2146; 7 USC 2147; 7 USC 2151

CFR Citation: 9 CFR 1, (Revision); 9 CFR 2, (Revision)

Legal Deadline: None

Abstract: In 1985 Congress amended the Animal Welfare Act, 7 USC 2131, et seq., and required the Secretary of Agriculture to promulgate regulations and standards governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, operators of auction sales, carriers, and intermediate handlers. The standards and regulations will provide minimum requirements with respect to handling, housing, feeding, sanitation, veterinary care, and other related matters. The Agency has proposed definitions to provide proper guidance to the public, licensees, and registrants in their responsibilities under the Act. The Agency has also proposed to amend, revise, and expand the "Regulations" contained in 9 CFR 2.1 through 2.132, pertaining to licensing and registration of facilities, recordkeeping and identification of animal holding periods and facilities, inspections, Institutional Animal Care and Use Committees, adequate veterinary care, and other areas relating to humane animal care matters.

Timetable:

Action	Date	FR Cite
NPRM	03/31/87	52 FR 10298
Notice of Extension of Comment Period	05/22/87	52 FR 19359
Extension and Reopening of Comment Period	08/12/87	52 FR 29865
NPRM Comment Period End	08/27/87	52 FR 29865
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: R. L. Crawford, Director, Animal Care Staff, VS,

USDA—APHIS **Final Rule Stage**

Department of Agriculture, Animal and Plant Health Inspection Service, Room 268, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-7854**

RIN: 0579–AA18

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS)

Completed Actions

59. SWINE IDENTIFICATION

Significance: Regulatory Program

CFR Citation: 9 CFR 71; 9 CFR 78; 9 CFR 85; 9 CFR 309; 9 CFR 310; 9 CFR 320

Completed:

Reason	Date	FR Cite
Final Action	10/14/88	53 FR 40378
Final Action Effective	11/14/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Steven B. Farbman 301 436-5533

RIN: 0579–AA19

DEPARTMENT OF AGRICULTURE (USDA)
Cooperative State Research Service (CSRS)

Proposed Rule Stage

60. AGRICULTURAL RESEARCH INVOLVING OUTDOOR FIELD TESTING OF BIOTECHNOLOGY - MODIFIED ORGANISMS

Significance: Regulatory Program

Legal Authority: PL 99-198 Food Security Act of 1985; 7 USC 450(h); 7 USC 3121(12); National Agr. Research Ext. and Teaching Policy Act of 1977; Sec 1405(12) as amended

CFR Citation: 7 CFR 3015.205; 7 CFR 3200.4(d)(7); 7 CFR 3400.4(c)(12)

Legal Deadline: None

Abstract: USDA/CSRS plans to publish advisory guidance for the safe performance of USDA-funded research involving outdoor field testing of biotechnology modified organisms.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/86	51 FR 23367
ANPRM Comment Period End	09/26/86	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL ABSTRACT: The research guidance will be published as a notice in the Federal Register rather than as a proposed rule. The notice will contain research guidance consisting of general guideline principles and a handbook of recommended procedures for field testing biotechnology-modified organisms. USDA plans to promote adherence to the biotechnology research guidelines and handbook by requesting researchers to agree to adhere to the guidelines and handbook as a condition for accepting USDA research funds. This will be implemented by amending the USDA regulations on general provisions for grants and cooperative agreements (7 CFR 3015.205), competitive research grants (7 CFR 3200.4) and special research grants (7 CFR 3400.4) as needed. The timetable for amending these regulations has not yet been set.

Agency Contact: William S. Smith, Regulatory Coordinator, Department of Agriculture, Cooperative State Research Service, Room 310-C, Aerospace Building, 901 D St, SW, Washington, DC 20250, **202 475-4964**

RIN: 0524–AA00

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Prerule Stage

61. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1965, Subpart B

Legal Deadline: None

Abstract: This revision implements Subtitle C, "Rural Rental Housing Displacement Prevention," of the Housing and Community Development Act of 1987. Since this revision is mandated by legislation, alternatives were limited.

Timetable:

Action	Date	FR Cite
ANPRM	06/21/89	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA51

62. ● CHANGES TO FARMERS HOME ADMINISTRATION (FMHA) GUARANTEED LOAN MAKING AND SERVICING REGULATIONS AS A RESULT OF A STUDY OF THE PROGRAM REQUESTED BY OMB

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

USDA—FmHA **Prerule Stage**

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: This revision will propose changes as deemed appropriate as a result of the study to be made which was recommended by OMB recently. Potential costs and benefits will not be known until the recommendations have been made and a criterion of changes established.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA66

63. ● RURAL RENTAL HOUSING, LOAN POLICIES, PROCEDURES AND AUTHORITIES

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E

Legal Deadline: None

Abstract: Revise and simplify the manner in which Multifamily Housing preapplications are rated, ranked, and funded.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/89	
ANPRM Comment Period End	08/00/89	
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA67

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Proposed Rule Stage

64. PROPERTY MANAGEMENT

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1955

Legal Deadline: None

Abstract: Create a new Subpart D to cover liquidation of Single Family Housing (SFH) loans, and management and sale of SFH inventory property; and revise existing Subparts A, B, and C to have them apply to all programs other than SFH. Costs to create new subpart and revise and/or amend existing ones is minimal and would enhance all programs' ability to revise and/or amend the regulations with reduced clearances and provide personnel with clearer and simpler regulations to follow and implement. Will avoid "tie-up" of the regulations for one program subject to changes mandated by legislation or court order for another program, such as SFH changes being held up subject to Farmer Program changes being completed as has frequently been the case.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	
NPRM Comment Period End	10/01/89	
Final Action	03/01/90	
Final Action Effective	04/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Action on this project was effectively paralyzed during calendar year 1988 by extensive changes by Farmer Programs pursuant to the Agriculture Act of 1987.

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA03

65. HOUSING PRESERVATION GRANTS

Legal Authority: 42 USC 1490 (m)

CFR Citation: 7 CFR 1944, Subpart N

Legal Deadline: None

Abstract: Expansion of HPG program to include residential rental properties (single and multi-unit) and cooperative housing. Maintain availability of adequate and decent, safe, and sanitary rental housing for very low and low income individuals and families in the rural areas. Compliance with the Housing and Urban Recovery Act of 1983 and Community Development Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
NPRM Comment Period End	07/01/89	
Final Action	11/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA18

66. RECAPTURE OF SECTION 502 RURAL HOUSING SUBSIDY

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to revise the regulation for the recapture of subsidy granted on Section 502 Rural Housing Loans. This action is necessary because of an accounting system change resulting from the September 1987 congressionally mandated rural housing asset sale. The intended effect of this action is to adjust the formula to coincide with the revised method of applying monthly subsidy to interest credit accounts. In addition, this action will also shorten and simplify the recapture process.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/88	
ANPRM Comment Period End	01/01/89	
Final Action Effective	01/29/89	
NPRM	06/12/89	
NPRM Comment Period End	07/14/89	
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA29

67. SELF-HELP TECHNICAL ASSISTANCE GRANTS

Legal Authority: 7 USC 1989; 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1933-I

Legal Deadline: None

Abstract: Complete revision to improve grantee's accounting responsibilities. No costs associated with action. Benefits reduce possibility of program fraud and abuse. Increase borrower's labor contribution.

Timetable:

Action	Date	FR Cite
NPRM	02/13/89	54 FR 8532
NPRM Comment Period End	04/14/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA34

68. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944-A

Legal Deadline: None

Abstract: Address and clarify items to improve program (child support, unemployment compensation, etc.). Revise cost containment.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	05/01/89	
Final Action	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA35

69. SECURITY SERVICING FOR MULTIPLE HOUSING LOANS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930; 7 CFR 1944; 7 CFR 1965

Legal Deadline: None

Abstract: This regulation is being revised to provide clarification on the processing differences between membership changes and transfers, to broaden the ability to consolidate and reamortize loans, to clarify actions to be taken during a bankruptcy, and to clarify and discuss the classification of problem loans and their resolution, along with other minor revisions. These revisions are needed so as to provide more complete guidance to field staff and borrowers on the topics discussed above. Potential costs consist of administrative time involved with Agency personnel drafting and completing regulation. No alternatives were identified as being appropriate to address the several problems being corrected with this regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA38

70. MANAGEMENT AND COLLECTION OF NONPROGRAM (NP) LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: A new instruction to provide policy and guidance for FmHA field office personnel to make, manage, collect and liquidate nonprogram (NP) loans.

Timetable:

Action	Date	FR Cite
NPRM	06/12/89	
NPRM Comment Period End	07/14/89	
Final Action	12/29/89	
Final Action Effective	01/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA39

USDA—FmHA

Proposed Rule Stage

71. COMPLAINTS AND COMPENSATION FOR CONSTRUCTION DEFECTS

Legal Authority: 42 USC 1479

CFR Citation: 7 CFR 1924 F

Legal Deadline: None

Abstract: Clarify handling of construction defect complaints on newly constructed homes and provide for handling of construction defect complaints on manufactured homes.

Timetable:

Action	Date	FR Cite
ANPRM	01/30/89	
ANPRM Comment Period End	03/30/89	
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA41

72. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for change in definition of delinquent account and certain other changes.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/88	
ANPRM Comment Period End	01/30/89	
NPRM	06/12/89	
NPRM Comment Period End	07/14/89	
Final Action	12/29/89	
Final Action Effective	01/29/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA42

73. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E

Legal Deadline: None

Abstract: General revision to keep the regulations current with policy clarification and incorporate changes to comply with recent legislative changes. Alternatives were to not revise or only incorporate some changes.

Timetable:

Action	Date	FR Cite
NPRM	07/05/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA49

74. REAL PROPERTY INSURANCE

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for the continuation of insurance for borrowers on escrow.

Timetable:

Action	Date	FR Cite
NPRM	06/12/89	
NPRM Comment Period End	07/14/89	
Final Action	12/29/89	
Final Action Effective	01/29/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA53

75. SECURITY SERVICING FOR SINGLE FAMILY RURAL HOUSING LOANS

Significance: Agency Priority

Legal Authority: 42 USC 1480; 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Provide for the implementation of escrow services for SFH loan accounts.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/29/89	
NPRM	06/12/89	
NPRM Comment Period End	07/14/89	
Final Action	12/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA54

76. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS -- CONGREGATE HOUSING AND GROUP HOMES

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C

Legal Deadline: None

Abstract: To expand the existing authority for congregate housing and group homes in FmHA Instruction 1944-E.

USDA—FmHA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA58

77. SECONDARY MARKET FOR FARMER PROGRAM LOANS

Significance: Regulatory Program

Legal Authority: 7 USC 1988 Consolidated Farm and Rural Devel. Act (amendment); PL 100-233, Sec 711 Agricultural Credit Act of 1987

CFR Citation: 7 CFR 1980

Legal Deadline: Final, Statutory, July 6, 1988.
PL 100-233, Sec 711, states: "Within 180 days after the date of the enactment of this Act, the Secretary shall develop and promulgate final regulations to implement this section (cont)

Abstract: Legislation mandates that the Secretary develop procedures to facilitate, administrate and promote secondary market operations for FmHA guaranteed farm loans. It is suggested that the Secretary, directly or through a market maker, provide for the pooling of guaranteed loans and the issuance and sale of certificates backed by those loan pools. Through this procedure, secondary market activities could be promoted and expanded, thereby increasing the supply of loan money in rural areas -- allowing rural banks to increase their lending activity to farmers, rural businessmen and residents. Obtaining the services of a private agent to act as a central registry and fiscal agent -- coordinating fund flows from lenders to pool investors; handling pool formations and executions, issuance and ownership of pool shares, and monitoring of loan payments -- is the favored alternative expected to successfully meet the legislative mandate. FmHA would act as the facilitator, arranging for the creation of this private market activity, (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: ABSTRACT CONT: funding the agent. Another alternative considered is establishing an in-house capability to track the sale of guaranteed loans and transfer payments as required, but this option would require substantial personnel and other Agency resources and would prove extremely expensive.

LEGAL DEADLINE CONT: and the Amendment made by this section."

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA59

78. FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1950-C

Legal Deadline: None

Abstract: The Farmers Home Administration (FmHA) proposes to amend its Farm Labor Housing regulations. This action is in response to the general public and FmHA staff requests for clarification of the Farm Labor Housing regulations. The intended effect is to provide more comprehensive guidance to applicants when applying for farm labor housing loans and grants: (1) make certain paragraphs consistent with other related parts and other housing regulations; (2) redefine terminology to ensure appropriate implementation of program eligibility standards; (3) incorporate provision of the Housing and Urban Recovery Act of 1983; housing amendments of 1984, 85 and 86; and (4) provide direction to FmHA State and District Office personnel through separate processing instructions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	
Final Action	05/00/90	
Final Action Effective	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA60

79. FARM LABOR LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATION

Legal Authority: 42 USC 1484; 42 USC 1486

CFR Citation: 7 CFR 1930-C; 7 CFR 1944 Subpart D

Legal Deadline: None

Abstract: Revision to incorporate provisions of Housing and Community Development Act of 1987 (PL 100-242) regarding the definition of "Domestic Farmworker," that determine the eligibility of such farmworkers to occupy housing financed under the Farm Labor Housing Program. Revisions also incorporate provisions of Omnibus McKinney Homeless Assistance Act of 1988 (PL 100-628) to permit other than farmworker occupancy when no demand by such persons.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	07/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of

USDA—FmHA **Proposed Rule Stage**

Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA62

80. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS -- COOPERATIVE HOUSING LOANS

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C; 7 CFR 1965 Subpart B; 7 CFR 1924 Subpart A

Legal Deadline: None

Abstract: To include provisions for Cooperative Housing Loans in the Rental Housing Regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA63

81. ● PROCESSING AND SERVICING FMHA ASSISTANCE TO EMPLOYEES, RELATIVES AND ASSOCIATES

Legal Authority: 7 USC 1988, Sec 336b

CFR Citation: 7 CFR 1900 Subpart D

Legal Deadline: None

Abstract: FmHA Instruction 2045-BB, Employee Responsibilities and Conduct (available in any FmHA office), requires the maintenance of high standards of honesty, integrity, and impartiality by employees. Within the limitations of that instruction and specific program restrictions, FmHA employees, family members, close relatives and other associates are eligible to receive certain types of FmHA loan and grant assistance. To assure that employee conduct is above reproach, any processing, approval, servicing or review activity is conducted only by authorized FmHA employees who (1) are not themselves the recipient; (2) are not family members or close relatives of the recipient; (3) do not have an immediate working relationship with the recipient, the employee related to the recipient, or the employee who would normally conduct the activity; or (4) do have a business or close personal relationship with the recipient, the employee related to the recipient or the employee who would normally conduct the activity. Nothing in this instruction takes precedence over individual program requirements or restrictions.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	06/01/89	
Final Action	10/01/89	
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA64

82. ● ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS

Significance: Agency Priority

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 7 CFR 270

CFR Citation: 7 CFR 1900 Subpart B

Legal Deadline: None

Abstract: The Agency proposes to amend FmHA Instruction 1900-B, "Adverse Decisions and Administrative Appeals," to allow State Directors and Assistant Administrators to request a review of a hearing officer's decision when that decision is based on a clear misinterpretation or error of law or regulations. No other alternatives are considered since this issue was surfaced in an earlier proposed rule but not implemented at that time, pending comments received from this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	
NPRM Comment Period End	04/30/89	
Final Action	05/30/89	
Final Action Effective	06/30/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Chris Goettlemann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA68

DEPARTMENT OF AGRICULTURE (USDA) **Final Rule Stage**

Farmers Home Administration (FmHA)

83. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1930, Subpart C

Legal Deadline: None

Abstract: Revision required by the Office of Inspector General (OIG) to change standards for multiple housing project audits to Generally Accepted Government Auditing Standards (GAGAS) in order to minimize potential for fraud, waste and abuse of Government lending. OIG used State audits of the multiple family housing program to document their concerns so alternatives to regulation change were limited.

USDA—FmHA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA20

84. SECTION 504 RURAL HOUSING LOANS AND GRANTS

Legal Authority: 42 USC 1480; 7 CFR 2.23; 7 CFR 2.70

CFR Citation: 7 CFR 1944, Subpart J (Revision)

Legal Deadline: None

Abstract: Incorporates revisions to Agency's authorizing statutes made by the 1983 Housing amendments. Expands loan purposes, increases the total amount of assistance available. No cost increase. Will benefit more homeowners.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	53 FR 44505
NPRM Comment Period End	12/28/88	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA37

85. RURAL HOUSING PROGRAM LOANS

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1980, Subpart A; 7 CFR 1980, Subpart D

Legal Deadline: Other, Statutory, March 6, 1989.
Amendments to Stewart B. McKinney Homeless Assistance Act requires regulation to be published within 120 days of 11/06/88.

Abstract: Update and revise existing Guaranteed Loan Regulations to incorporate revisions made to existing Rural Housing 502 Insured Loan Regulations and to remove obstacles in loan making for lenders. This action is being done to carry out the objectives of the Housing Act of 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/89	54 FR 12873
Effective Date	03/29/89	
Comment Period End	05/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA48

86. PREDETERMINED AMORTIZATION SCHEDULE SYSTEM (PASS) ACCOUNT SERVICING

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 1951, Subpart K; 7 CFR 1951, Subpart A; 7 CFR 1930, Subpart C; 7 CFR 1944, Subpart E

Legal Deadline: None

Abstract: Revision reincorporates automated billing provisions removed from an April 18, 1984, prior rule pending the development of computer capacity and combines multiple family housing account servicing under one regulation. Alternative is to remain under current burdensome process.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/30/89	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA52

87. BORROWER SUPERVISION SERVICING AND COLLECTION OF SINGLE FAMILY HOUSING LOAN ACCOUNTS

Significance: Agency Priority

Legal Authority: PL 100-71

CFR Citation: 7 CFR 1951, Subpart G

Legal Deadline: None

Abstract: Provide for escrowing and the application of payments.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	53 FR 44013
NPRM Comment Period End	01/01/89	
Final Action	04/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA55

88. CHANGES TO THE FARMERS HOME ADMINISTRATION (FMHA) FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT APPLICABLE PROVISIONS OF "THE AGRICULTURAL CREDIT ACT OF 1987"

Significance: Regulatory Program

Legal Authority: PL 100-233, Sec 601

CFR Citation: 7 CFR 1910, Subpart A; 7 CFR 1924, Subpart A; 7 CFR 1924, Subpart B; 7 CFR 1941, Subpart A; 7 CFR 1941, Subpart B; 7 CFR 1943, Subpart A; 7 CFR 1943, Subpart B; 7 CFR 1945, Subpart A; 7 CFR 1945, Subpart C; 7 CFR 1945, Subpart D; 7 CFR 1951, Subpart A; 7 CFR 1951, Subpart S (New)

Legal Deadline: Final, Statutory, June 3, 1988.

Abstract: Final revisions of the provisions to the Agriculture Credit Act

USDA—FmHA **Final Rule Stage**

of 1987 which was implemented 10/14/88.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/14/88	53 FR 35638
Interim final rule public comment period end	11/14/88	
Final Action	07/03/89	
Final Action Effective	07/03/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, 14th & Independence Avenue, Washington, DC 20250, 202 382-9744

RIN: 0575–AA56

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89. RURAL RENTAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORITIES -- LETTERS OF CREDIT

Legal Authority: 42 USC 1485

CFR Citation: 7 CFR 1944 Subpart E; 7 CFR 1930 Subpart C

Legal Deadline: None

Abstract: Implementing statutory change allowing letters of credit to be used for initial operating capital and allowing packaging fees to be an eligible development cost for nonprofit borrowers.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40430
NPRM Comment Period End	12/16/88	
Final Action	03/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA57

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90. SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED -- SINGLE FAMILY HOUSING

Legal Authority: 42 USC 1480

CFR Citation: 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The borrower's repayment ability will be used to determine if an unauthorized Section 504 Grant should be repaid as a loan. This action will alleviate the undue financial hardship for elderly borrowers with a very low income.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/87	
ANPRM Comment Period End	02/01/88	
Final Action	04/02/89	
Final Action Effective	05/02/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348, South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA61

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91. ● DROUGHT AND DISASTER GUARANTEED LOANS

Significance: Agency Priority

Legal Authority: 7 USC 1988 Consolidated Farm and Rural Development Act; PL 100-387 Disaster Assistance Act of 1988, Sec 331

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: Sec. 331 of the Disaster Assistance Act of 1988 mandated that the Secretary of Agriculture guarantee loans made by private sector lenders to rural business entities which experienced losses or financial distress as the direct or indirect result of drought, hail, excessive moisture or related condition in 1988. The refinancing of existing loans is specified as an eligible purpose of such guaranteed loans. Farmers Home Administration proposes to modify its existing Business and Industrial (B&I) guaranteed loan program to implement the program mandated by the Disaster Assistance Act of 1988, using B&I rules as to eligibility, application, loan making, and loan servicing except where the statute requires otherwise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/89	54 FR 2
Final Action	06/09/89	
Final Action Effective	06/09/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Chris Goettelmann, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348 South Building, Washington, DC 20250, 202 382-9744

RIN: 0575–AA65

DEPARTMENT OF AGRICULTURE (USDA)

Farmers Home Administration (FmHA)

Completed Actions

92. SUSPENSION AND DEBARMENT REGULATIONS

CFR Citation: 7 CFR 1940, Subpart M

Completed:

Reason	Date	FR Cite
Final Action This reg became FmHA 1940-M as part of U.S. gov. & USDA reg.	01/30/89	54 FR 4731
Final Action Effective	03/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA02

93. CHANGES TO THE FMHA FARMER PROGRAM LOAN MAKING, SUPERVISION AND SERVICING REGULATIONS TO IMPLEMENT THE APPLICABLE PROVISIONS OF THE "FOOD SECURITY ACT OF 1985"

CFR Citation: 7 CFR 1900; 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1955; 7 CFR 1980

Completed:

Reason	Date	FR Cite
Withdrawn All CFR citations withdrawn. No revisions needed.	01/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA23

94. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT

Significance: Agency Priority

CFR Citation: 7 CFR 1924, Subpart A

Completed:

Reason	Date	FR Cite
Final Action	10/28/88	53 FR 42675
Final Action Effective	11/28/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA36

95. ANALYZING CREDIT NEEDS AND GRADUATION OF BORROWERS

Significance: Agency Priority

CFR Citation: 7 CFR 1951-F

Completed:

Reason	Date	FR Cite
Final Action	10/12/88	53 FR 39739
Final Action Effective	11/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA40

96. MANAGEMENT AND SUPERVISION OF MULTIPLE FAMILY HOUSING BORROWERS AND GRANT RECIPIENTS

Significance: Agency Priority

CFR Citation: 7 CFR 1930, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	01/26/89	54 FR 3771
Final Action Effective	02/26/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann 202 382-9744

RIN: 0575–AA50

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Proposed Rule Stage

97. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 7 USC 2013(b)

CFR Citation: 7 CFR 253

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA09

98. ● RULES OF PROCEDURE

Legal Authority: PL 100-435, Sec 603

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.
Retroactive for Fiscal Year 1985 Quality Control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) revised the

USDA—FNS **Proposed Rule Stage**

Food Stamp Act of 1977, as amended, specifying that Food Stamp Program quality control (QC) payment error rate (PER) liability appeals by State agencies be conducted by Administrative Law Judges. The use of Administrative Law Judges replaces the current appeal process which is conducted by the State Food Stamp Appeals Board. This regulation will delineate the procedures to be followed in these QC appeals. (88-011)

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	
NPRM Comment Period End	06/30/89	
Final Action	07/01/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Duane Maddox, Branch Chief, Quality Control Branch, PAD, Department of Agriculture, Food and Nutrition Service, Room 905, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3474**

RIN: 0584–AA75

99. ● MISCELLANEOUS QC PROVISIONS OF HUNGER PREVENTION ACT OF 1988

Significance: Agency Priority

Legal Authority: PL 100-435, Sec 602; PL 100-435, Sec 604(1)

CFR Citation: 7 CFR 275

Legal Deadline: NPRM, Statutory, October 1, 1985.
Most of the changes are retroactive for Fiscal Year 1985 Quality Control payment error rate liability claims.

Abstract: This regulatory action is required because the Hunger Prevention Act of 1988 (PL 100-435) modified the Food Stamp Program quality control (QC) system provisions of the Food Stamp Act of 1977, as amended. Section 602 requires that State agencies be charged interest on unpaid QC payment error rate (PER) liability claims from the date the billing is received by the State agency, unless the State agency appeals the billing. If the State agency appeals, interest will begin to accrue from the date of the appeal decision or 2 years from the date the billing is received by the State agency, whichever is earlier. Section 604 revised the provisions for paying State agencies enhanced administrative funds for low PERs. It also revises the threshold for State agencies' liabilities for excessive payment error rates. Finally, it provides that PER liability claims will be assessed based on a State agency's total allotments issued, rather than as a percentage of administrative costs. (89-001)

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	
NPRM Comment Period End	06/30/89	
Final Action	07/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Duane Maddox, Branch Chief, Quality Control Branch, PAD, Department of Agriculture, Food and Nutrition Service, Room 905, 3101 Park Center Drive, Alexandria, VA 22302, **703 756-3474**

RIN: 0584–AA76

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Food and Nutrition Service (FNS)

100. FOOD DISTRIBUTION PROGRAM - PART 250

Significance: Agency Priority

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. A number of provisions to strengthen and improve the State Processing Program were separated and published in a final rule July 1, 1986. (51 FR 23719) (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	08/19/85	50 FR 33470
Interim Final Rule	06/03/88	53 FR 20416
Final Action	12/31/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 42 USC 1779

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584–AA07

101. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b); 7 USC 2014(h)

CFR Citation: 7 CFR 273; 7 CFR 280

Legal Deadline: None

Abstract: This rule would define special eligibility and issuance procedures during declared disasters. (FNS 84-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/89	
Final Action	02/01/90	

Small Entities Affected: Governmental Jurisdictions

USDA—FNS **Final Rule Stage**

Government Levels Affected: State, Federal

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA24

102. CONFORMANCE WITH AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) RULES: FOOD STAMP PROGRAM

Significance: Regulatory Program

Legal Authority: 7 USC 2014(f)

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both programs' rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
NPRM	09/29/87	52 FR 36546
NPRM Comment Period End	11/30/87	
Final Action	04/30/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA52

103. ADMINISTRATION/ MANAGEMENT: FOOD STAMP PROGRAM

Legal Authority: PL 99-198, Secs 1524, 1530, 1526, 1535, 1539

CFR Citation: 7 CFR 272.4; 7 CFR 272.3; 7 CFR 273.18; 7 CFR 275.15

Legal Deadline: NPRM, Statutory, April 1, 1987.

Abstract: This regulation implements the following five provisions of the Food Security Act of 1985: (1) sets standards for the periodic review of food stamp offices' hours of operation; (2) requires State agencies to encourage participation in the Expanded Food and Nutrition Education Program (EFNEP); (3) requires project areas with 5,000 or more households to establish units to detect fraud; (4) allows State agencies to enter into agreements with State agencies administering Unemployment Compensation laws so that food stamp State agencies can collect outstanding claims by withholding unemployment benefits and/or other methods of collecting claims when recoupment is not an available method; (5) requires the Department to require State agencies to change the certification procedures used in project areas where it is determined that payment error rates are impairing the integrity of the program. (FNS 86-011)

Timetable:

Action	Date	FR Cite
NPRM	03/09/87	52 FR 7158
Final Action	06/01/89	
Final Action Effective	07/01/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA63

104. EMPLOYMENT AND TRAINING REQUIREMENTS TECHNICAL CORRECTIONS PROPOSED RULE

Significance: Regulatory Program

Legal Authority: The Food Stamp Act of 1977, as amended; 7 USC 2011 to 2029

CFR Citation: 7 CFR 273.1; 7 CFR 273.7

Legal Deadline: None

Abstract: The proposed rule will clarify several aspects of the Food Stamp Program Employment and Training Rule published December 31, 1986, and will accomplish minor corrections in other portions of this rule. The clarifications and corrections are the result of program experience gained through the initial operations of a program component entirely new to the Food Stamp Program as a whole.

The Department is concerned that current regulations may be inequitable to State by mandating that they use the full October 1988 count of mandatory E&T participants in computing the base on which the Fiscal Year 1989 first reporting period 35 percent E&T placement standard will be applied. This procedure inflates State placement obligations for this period and makes it difficult for them to meet these obligations. The Department is also concerned that current regulations permit States agencies some latitude in counting individuals as "placed" in E&T programs for performance measurement purposes. This results in individuals being counted as "placed" in E&T programs more than once and inflates State placement success rates. This proposed rule implements (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23638
NPRM Comment Period End	08/22/88	
Final Action	05/15/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Additional Information: ABSTRACT CONT: Departmental action to correct these inequities together with other minor alterations and clarifications. (87-012)

Agency Contact: Irene Lankford, Assistant to the Associate Administrator, Food and Nutrition Service, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 1107, Park Office Center, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA72

105. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

Significance: Regulatory Program

Legal Authority: PL 99-603; Immigration Reform and Control Act (IRCA) of 1986 (Section 121)

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

Legal Deadline: Other, Statutory, October 1, 1988.
Deadline for interim final rule

Abstract: This rule establishes procedures for State agencies to use to participate in the Systematic Alien Verification for Entitlements (SAVE) system. As required by IRCA, the

Immigration and Naturalization Service (INS) implemented this system. IRCA requires the Food Stamp Program (FSP) and certain other entitlement programs to use SAVE to verify the immigration status of aliens applying for benefits. Such use is mandatory by October 1, 1988, and this addresses use during that period. The rule also provides guidelines for Federal reimbursement of administrative costs. In addition the rule implements nondiscretionary provisions of IRCA requiring all household members to attest to their citizenship or alien status and certain requirements relating to documentation of alien status. (87-009)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/07/88	53 FR 39433
Final Action	10/01/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Irene Lankford, Assistant to the Associate Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 1107, Alexandria, Virginia 22302, 703 756-3064

RIN: 0584–AA73

106. ● CHILD CARE FOOD PROGRAM - ADULT DAY CARE PROVISION

Significance: Agency Priority

Legal Authority: 42 USC 1758; 42 USC 1759a; 42 USC 1762a; 42 USC 1765; 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: The rule amends the Child Care Food Program (CCFP) regulations by providing Program eligibility for certain adult day care centers. It implements a provision of the Older Americans Act (OAA) Amendments of 1987, which allows these centers to receive cash and commodity assistance available under the CCFP for meals served to eligible enrolled individuals and a provision of the Rural Development, Agriculture and Related Agencies Appropriations Act of 1989, which provides categorical eligibility for free meals for participants of these centers who receive assistance under Title XVI or XIX in the Social Security Act or are members of a household receiving assistance under the Food Stamp Act and defines the income to be included in determining eligibility for free and reduced-price meal benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/28/88	53 FR 52584
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Irene Lankford, Assistant to the Associate Administrator, Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, VA 22302, 703 756-3064

RIN: 0584–AA74

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

107. ISSUANCE LOSS LIABILITY: FOOD STAMP PROGRAM

CFR Citation: 7 CFR 274; 7 CFR 276

Completed:

Reason	Date	FR Cite
Final Action	02/15/89	54 FR 6990
Final Action Effective	04/01/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584–AA05

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Prerule Stage

108. ELIGIBILITY OF FOREIGN COUNTRIES FOR IMPORTATION OF PRODUCTS INTO THE UNITED STATES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: FSIS will review the import eligibility provisions of regulations promulgated under the Federal Meat Inspection Act and Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: A. Charles Danner, Jr., Director, Planning Office, PP, Department of Agriculture, Food Safety and Inspection Service, Room 105-Annex Bldg., Washington, DC 20250, 202 447-3317

RIN: 0583–AA55

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

109. REQUIREMENTS FOR PARTIALLY DEFATTED MEAT PRODUCTS

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: Would establish a standard of identity and composition, and would provide temperature and handling requirements for partially defatted meat products. Would also allow for use of these products in a greater number of meat food products at higher use levels.

Current regulation is not adequate to assure accurate labeling or to prevent commercial misrepresentation of such products.

Timetable:

Action	Date	FR Cite
ANPRM	08/23/85	50 FR 34157
ANPRM Comment Period End	01/21/86	
NPRM	04/01/89	
NPRM Comment Period End	06/01/89	
Final Action	01/01/90	
Final Action Effective	02/01/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA27

110. CONTROL OF SALMONELLA AND OTHER ENTERIC BACTERIA IN MEAT AND POULTRY PROCESSING

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: Would permit an official meat or poultry establishment that has voluntarily developed effective microbiological controls for fresh packaged meat or poultry products to submit plans and records of such control systems to FSIS for approval. If the Administrator determines a control system to be adequate for the purpose of minimizing naturally occurring microbiological contaminations, he will approve the system, and the establishment will be permitted to use special labeling that acknowledges the use of an approved control system.

Timetable:

Action	Date	FR Cite
NPRM	10/03/89	
NPRM Comment Period End	12/05/89	
Final Action	04/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: W. H. Dubbert, Assistant Deputy Administrator, Science Program, FSIS, Department of Agriculture, Food Safety and Inspection Service, Room 401-Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583–AA28

111. VOLUNTARY RESIDUE CONTROL PROGRAM

Significance: Regulatory Program

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 323; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to aid in the control and reduction of residues of drugs, pesticides and other chemicals in meat and poultry products, and permit label claims to appear on meat and poultry products subject to USDA's ability to verify such claims concerning how an animal was raised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Science Division, Department of Agriculture, Food Safety and Inspection Service, Room 603-Cotton Annex, Washington, DC 20250, 202 447-2326

RIN: 0583–AA29

112. SULFONAMIDE RESIDUES IN SWINE

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: Would establish an in-plant testing program to monitor violative levels of sulfonamide residues in swine. Such program would be designed to encourage producers to market and packers to purchase only healthy animals that will produce safe and wholesome meat.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/85	50 FR 20796
ANPRM Comment Period End	08/30/85	
NPRM	06/01/89	
NPRM Comment Period End	08/01/89	
Final Action	12/03/89	
Final Action Effective	02/03/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard A. Carnevale, Assistant Deputy Administrator Science, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2807

RIN: 0583–AA31

113. USE OF LACTIC ACID AND ACETIC ACID AS ANTI-MICROBIAL AGENTS ON MEAT AND POULTRY CARCASSES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend Federal meat and poultry products inspection regulations by allowing lactic acid and acetic acid to be applied to meat and poultry carcasses for the purpose of reducing microbial contamination.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA43

114. TRICHINA CONTROL REQUIREMENTS FOR DRY-CURED HAM

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations by incorporating the dry-cured ham research study findings. This study evaluated the efficiency of present procedures in the commercial production of dry-cured hams and determined the combinations of curing time, temperature, salt concentration, and water activity necessary to inactivate t. spiralis.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 2158-South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA49

115. USE AND PROTECTION OF APPROVED WATER SYSTEMS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 42 USC 3007 et seq

CFR Citation: 9 CFR 308; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would prescribe acceptable conditions for the reuse of water in official establishments. This rule would outline methods protecting the potable water supply and describe conditions of use of fresh water. In addition, the rule would also consolidate and make uniform pre-existing policies for the use and reuse of water and brine.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson, Director, Facilities, Equipment, and Sanitation Div., Department of Agriculture, Food Safety and Inspection Service, Room 1140 South Bldg., Washington, DC 20250, 202 447-3885

RIN: 0583–AA54

116. CERTAIN PRODUCTS WITH MEAT INGREDIENTS – EXEMPTIONS FROM DEFINITION OF A "MEAT FOOD PRODUCT"

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 301; 9 CFR 303

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to exclude specific products and classes of products containing meat, meat byproducts, and/or meat food products from the definition "meat food product" and thereby would exempt these products from Federal inspection. The proposal identifies two broad conditions for exemption: (1) products containing 3 percent or less of raw meat or other portion of any carcass, or less than 2 percent of cooked meat or other portion of any carcass, and (2) products that historically have not been considered by consumers as products of the meat food industry. This proposal would replace current informal standards for exemptions with formal, codified exemptions.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	
NPRM Comment Period End	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-6042

RIN: 0583–AA62

117. ADDITIONAL TRICHINA DETECTION METHODS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the regulations to permit use of an approved method for examining swine for evidence of trichinosis. The Food Safety and Inspection Service (FSIS) has been petitioned by a manufacturer of serological tests to amend the Federal meat inspection regulations to approve the use of immunoassays for the examination of swine for evidence of trichinosis infection. FSIS has reviewed the performance of the petitioner's assay in a laboratory where sera prepared by the Agency were tested by a precisely defined procedure and has concluded that immunoassays can effectively detect evidence of trichinosis in swine.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm. 2159 South Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA67

118. NET WEIGHT

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would make Federal and State weights and measures procedures and techniques more consistent, objective and equitable. Under the proposed rule, USDA would adopt the National Bureau of Standards Handbooks 133 and 44 as its standards. The proposed amendment would recognize a fixed amount of

acceptable moisture loss by product. This will replace the term "reasonable variation." Moreover the amendment will grant concurrent jurisdiction to State and local authorities to enforce net weight labeling of federally inspected meat and poultry products within their geographic area. The amendment will promote uniform treatment of moisture loss and weights and measures standards as well as encourage and enable greater State and local participation.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9370
NPRM Comment Period End	05/05/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carol Seymour, Deputy Administrator, Meat & Poultry Inspection Technical Services, Department of Agriculture, Food Safety and Inspection Service, Rm. 350-E, Administration Bldg., Washington, DC 20250, 202 447-3521

RIN: 0583–AA69

119. USE OF SODIUM LACTATE AND POTASSIUM LACTATE AS FLAVOR ENHANCERS IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as flavoring agents and flavor enhancers in various meat and poultry products. FSIS has been petitioned by Oscar Mayer Foods Corporation, Madison, Wisconsin, and Shenandoah Products, Inc., Bridgewater, Virginia, to allow the use of these substances at a 2.0 percent level for use in preparation of meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA75

120. REQUIREMENTS FOR THE PRODUCTION OF FERMENTED SAUSAGE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to establish specific requirements concerning processing procedures used in the production of semi-dry and dry fermented sausages. Currently, the Agency has only general requirements concerning the processing procedures for these products. This proposal will provide that a manufacturer of semi-dry and/or dry fermented sausages use either a model good manufacturing practice (GMP) procedure with specified or described critical control points, process control limits, and monitoring activities; or an approved processing procedure from a processing authority who would define the critical control points, process control limits, and monitoring activities for each processing procedure. In addition, the proposal requires that all processes for semi-dry and/or dry fermented sausages comply with a set of validation criteria to assure the product is not adulterated. The proposed rule provides the necessary processing requirements to assure that the production of fermented meat food products does not result in adulterated products.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	
NPRM Comment Period End	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AA77

121. PARTIALLY COOKED, CURED AND SMOKED POULTRY BREAKFAST STRIPS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit preparation of partially cooked, cured and smoked poultry breakfast strip products which are intended to be cooked further before consumption. This action is in response to a petition submitted by Swift Eckrich, Inc., Oak Brook, Illinois, for a change in the requirements for cooked poultry products. FSIS would amend the regulations to require that the products be labeled with cooking instructions which will inform the consumer that the products are not suitable for consumption until thoroughly cooked.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA82

122. SODIUM/POTASSIUM LACTATE AS ANTIMICROBIAL AGENTS IN SPECIFIC MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of sodium lactate and potassium lactate as antimicrobial agents in cooked meat and poultry

products, and would provide for additional protection against the growth and toxin development of Clostridia botulinum in these products. FSIS has received a petition from Oscar Mayer Foods Corporation, Madison, Wisconsin, to use these substances in various cooked meat and poultry products at levels not to exceed 4.8 percent of the formulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Divison, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA83

123. PFF FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit the use of added water in turkey ham. The new standard provides for several categories of products that are delineated according to the protein content on a fat-free basis. FSIS was petitioned by the National Turkey Federation, Reston, Virginia, to establish protein fat-free values for turkey ham to promote product standardization and permit producers of turkey ham to compete more equitably with pork producers. This proposed rule would replace the current provision which limits the amount of added water and other substances contained in turkey ham products by requiring the weight of the finished product to be no more than the original weight of the turkey thigh meat used prior to curing.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	
NPRM Comment Period End	08/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA84

124. LACTIC ACID STARTERS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit the use of lactic acid producing bacteria as a temperature abuse indicator in hermetically sealed meat food and poultry products that are sold refrigerated or frozen. The use of lactic acid producing bacteria in these products would inhibit the growth and toxin production by Clostridia botulinum, as well as impart flavors to the product in the event of temperature abuse during distribution and storage of the product.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	
NPRM Comment Period End	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA86

125. AUTOMATIC EXPIRATION SYSTEM FOR APPROVED LABELS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to define a system whereby industry labels will have an automatic expiration date upon approval. The purpose of this action will be to prevent approved labels that are no longer in use from remaining in the data base unnecessarily. This will benefit both the public and the agency by improving our responsiveness to label inquiries and enforcement of changes in labeling regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA87

126. CROSS-CONTAMINATION PREVENTION FOR ALL HEAT PROCESSED MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to extend the current cross-contamination preventive requirements for cooked beef, roast beef and cooked corned beef, to all types of heat processed meat and poultry products.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	
NPRM Comment Period End	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark T. Mina, Acting Asst. Deputy Admin., Regional Operations, MPIO, Department of Agriculture, Food Safety and Inspection

Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-4565

RIN: 0583–AA88

127. LABELING OF FRANKFURTERS AND SIMILAR PRODUCTS CONTAINING BINDERS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to remove labeling requirements and use limitations required for certain binders in sausage, breakfast sausage, frankfurters, cheesefurters, bockwurst, similar products, and poultry rolls. This proposed rule would also request information from interested persons as to whether granting the petition would result in false or misleading labeling or permit the use of binders in excess of what is needed to "bind" the products.

Timetable:

Action	Date	FR Cite
ANPRM	08/24/88	53 FR 32247
ANPRM Comment Period End	09/23/88	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA92

128. SUBSTANCES APPROVED FOR USE IN MEAT PRODUCTS -- REVISION OF LISTINGS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to reorganize the table of approved substances in an alphabetical order by the substance name rather than by class of substance, to include substance approvals not listed as well as amend individual product standards, and separate those substances approved for use as processing aids into a second chart. This proposed rule will assist the user in locating a substance more quickly and provide more consistency in using the table, update the regulations to reflect existing policies and current industry practices, and provide clarity to the chart of substances.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA93

129. ● IMPORTED PRODUCT; MOVEMENT PRIOR TO REINSPECTION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by restricting the movement of imported product to within one of five geographical port areas where the product is unloaded. FSIS is also proposing to amend the regulations to require that such imported product be transported directly to an import inspection establishment from the place that the product is unloaded and that such product be reinspected within 30 days of its arrival in the United States. These actions are expected to increase FSIS's ability to gain and maintain control over imported meat and poultry products prior to their reinspection by FSIS.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Manis, Director, Import Inspection Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-2952

RIN: 0583–AA94

130. ● LIBERALIZATION OF REGULATIONS REGARDING THE SAMPLING FREQUENCY FOR SAMPLING CONTINUOUS-TYPE PROCESSING SYSTEMS; EARLY SHIPMENT OF SHELF-STABLE PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to permit early shipment of shelf-stable products subject to incubation and to reduce the sampling frequency for product processed in continuous-type processing systems. There actions are a result of petitions submitted by the National Food Processors Association, Washington, DC.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3840

RIN: 0583–AA95

131. ● REVIEW OF RETAIL STORE INSPECTION EXEMPTIONS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 303; 9 CFR 381

USDA—FSIS

Proposed Rule Stage

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking was intended to gather information from interested persons regarding FSIS's retail store exemption provisions. FSIS is conducting a review of the retail store exemption provisions of the Federal Meat and Poultry Products Inspection Acts, and the regulations promulgated thereunder, as a result of a District Court decision and as a result of requests from certain members of the industry. This review also includes an examination of FSIS's longstanding "two-stores" policy which allows an exemption from Federal Inspection requirements for any retail operator that owns only two retail stores and prepares meat and/or poultry products at one of its retail stores for sale to consumers in normal retail quantities at both stores.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Gonter, Assistant Deputy Administrator, Compliance Program, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-4293

RIN: 0583–AA96

132. ● PROCESSING REQUIREMENTS FOR DRIED READY-TO-EAT MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to require establishments to treat certain dried, ready-to-eat meat and poultry products to eliminate microbial contamination. Past food-poisoning outbreaks from dried meat products confirm that present processing requirements do not assure that the finished product is free from contamination by salmonellae. Treatment would assure the destruction of infectious disease bacteria, such as Salmonella, often present on the raw ingredients. The proposed rule would cover all dried ready-to-eat meat and poultry products except fermented sausages and dry cured hams and pork shoulders treated by one of the processing methods in section 318.10(c)(3) (ii), (iii), or (iv) of the Federal meat inspection regulations. The required treatment would either be a lethal heating step, a combination curing and heating process, or an alternate processing method which establishments have shown to be effective. The proposed rule would also contain provisions to prevent contamination of treated product by direct or indirect contact with untreated product.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AA97

133. ● ANTE-MORTEM INSPECTION OF DISABLED ANIMALS ON TRANSPORT VEHICLES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 320

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to permit an alternate method of ante-mortem inspection of disabled animals. This method would allow a transport vehicle to be an extension of an official establishment's premises for purposes of ante-mortem inspection of disabled animal(s) that are within the vehicle. FSIS received a request from the Western States Meat Association, Oakland, California, to allow ante-mortem inspection of disabled animals to be performed on a transport vehicle. This proposed rule would (1) specify establishment responsibilities for maintaining control over the transport vehicle, for providing proper ante-mortem inspection facilities, for complying with the veterinary disposition, and for providing assistance to the veterinary Medical Officer when performing the ante-mortem inspection; (2) prescribe the facility requirements needed for safe ante-mortem inspection of disabled animals; and (3) provide the requirements for the written request for this inspection.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards and Procedures Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3219

RIN: 0583–AA98

134. ● JAR CLOSURE REQUIREMENTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to revoke the requirements for vacuum packaged meat and poultry products in glass containers. FSIS was petitioned by the National Food Processors Association, Washington, DC, to revoke jar closure regulations that are no longer necessary to prevent contamination of products packed in glass containers. This action would be consistent with the requirements of the Food and Drug Administration for nonmeat products.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

USDA—FSIS

Proposed Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Bill Dennis, Director, Processed Products Inspection Division, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AB00

135. ● EXEMPTION FROM "EQUAL TO" REQUIREMENTS

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to provide administrative procedures whereby a foreign country may petition FSIS to be exempted from certain specified inspection requirements. FSIS has received several requests for exemption from specific regulations and procedures to assure that the foreign inspection program will maintain its eligibility to export product to the United States. Present meat and poultry products inspection regulations do not contain a procedure that advises how such requests should be made. Exemption requests are received in various forms and with a variety of information included, and as a result unnecessary time and effort is expended to develop an exemption request in the proper form for consideration. This action will provide a procedure for the submission of exemption requests from countries exporting product to the United States and to permit a timely Agency response.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3473

RIN: 0583–AB01

136. ● FOOD ADDITIVES AND GRAS SUBSTANCES USED AS INGREDIENTS IN MEAT FOOD AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to simplify the procedures by which FSIS approves food additives and Generally Recognized as Safe (GRAS) substances to be used as ingredients in meat food products and poultry products. The proposed rule will be developed in cooperation with the Food and Drug Administration to make the Federal regulation of food additives and other substances that may be used as ingredients in meat food and poultry products more efficient and uniform.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal, Director, Policy and Planning, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-6525

RIN: 0583–AB02

137. ● STREAMLINED INSPECTION SYSTEMS WITH CARCASS AND GIBLET FINISHED PRODUCT STANDARDS (POULTRY)

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to merge the requirements for the new turkey inspection system, new line speed inspection system, streamlined inspection system and traditional inspection into two mandatory methods to be known as streamlined inspection system-poultry and streamlined inspection system/partial quality control-poultry. The finished product standards for carcasses and giblets would be amended to include all classes of poultry. This proposal would describe the facility requirements necessary to implement this new system nationally, and would establish national presentation standards and line speeds for each class of poultry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol Seymour, Deputy Administrator, Technical Services, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-3521

RIN: 0583–AB03

138. ● EXPORT CERTIFICATION PROCEDURES

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 322

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations to provide export certification of all meat and poultry products exported to foreign countries. Domestic inspectors certify that the product is USDA inspected and passed, and that all foreign requirements have been met. In 1988, the Agency conducted a pilot test to determine the feasibility of streamlining export certification procedures by centralizing control; utilizing contemporary communications technology; establishing plant review criteria; and modifying stamping requirements. The export certification project, of which the pilot was a part, will continue in 1989. FSIS will review the current regulations and determine what, if any, changes should be considered from the outcome of this project.

USDA—FSIS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Fetzner, Director, Export Coordination Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-4293

RIN: 0583–AB04

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Final Rule Stage

139. DETERMINATION OF ADDED WATER IN COOKED SAUSAGES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 318

Legal Deadline: None

Abstract: Would publish protocols for determining compliance of meat food products with current added water standards. Would differentiate in such products protein derived from meat and meat byproducts from protein derived from other sources. Would ensure that similar, competing ingredients for cooked sausages are treated consistently.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 39659
NPRM Comment Period End	12/22/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, Department of Agriculture, Food Safety and Inspection Service, Room 311-Cotton Annex, Washington, DC 20250, 202 447-6042

RIN: 0583–AA30

140. CATTLE POST-MORTEM INSPECTION PROCEDURES AND STAFFING PROCEDURES

Significance: Regulatory Program

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 310

Legal Deadline: None

Abstract: This rule will improve post-mortem inspection procedures for cattle which will result in maximum inspection efficiency and increased productivity. By modernizing cattle inspection procedures, FSIS would increase its inspection productivity while assuring that only wholesome meat enters domestic commerce.

It is anticipated that the meat industry will experience a net gain if this system of inspection is implemented in spite of the initial costs of facility modifications which may be necessary in some establishments. Savings to the industry as a whole should occur because of increased productivity and reduced overtime.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48262
NPRM Comment Period End	01/30/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards & Procedures, Department of Agriculture, Food Safety and Inspection Service, Room 4444 South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AA32

141. BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID, AND CALCIUM LACTATE

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This final rule will permit the use of a binder complex approved for use in restructured meat products to be used in restructured poultry products in which binders are permitted, and will result in superior binding of chopped/ground/sectioned and formed poultry products.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1377
NPRM Comment Period End	02/13/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, MPITS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA34

142. INGREDIENTS THAT MAY BE IDENTIFIED AS FLAVORS OR NATURAL FLAVORS WHEN USED IN MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to better define which substances should be permitted to be labeled as "flavors," "natural flavors," or "spices" on packages of meat and poultry products. This rule addresses the use of substances which are often added to products for the purpose of serving as flavor enhancers, emulsifiers, stabilizers, binders, extenders, and as nutrients. Most of the substances that would be affected by the proposed rule are proteinaceous materials, having nutritional value, and which may be considered foods, in their own right. This rule will require that these substances be identified by their common or usual names, thereby informing consumers of the origin of these materials including the species and specific animal tissues from which they are derived, if animal in origin.

The rule is designed in part to address the personal, cultural, and religious concerns of consumers, as well as the allergies or sensitives some consumers may have to some of the substances.

Timetable:

Action	Date	FR Cite
NPRM	08/18/87	52 FR 30922
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 311-Annex Bldg., Washington, DC 20250, 202 447-6042

RIN: 0583–AA44

143. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will respond to amendments made to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat products to the United States. The amendments also provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 27998
NPRM Comment Period End	09/20/88	
Final Action	06/01/89	
Final Action Effective	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Room 341-E, Administration Bldg., 14th & Independence Ave., SW, Washington, DC 20250, 202 447-7610

RIN: 0583–AA47

144. USE OF AIR DURING SLAUGHTER OPERATIONS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 310

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to allow several acceptable procedures for the inflation of carcasses and parts of carcasses with air injected during dressing operations. Any establishment interested in using air for other purposes than those mentioned in the proposed rule would be required to submit those procedures to FSIS for approval prior to its use.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1370
NPRM Comment Period End	03/14/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standards and Procedures, TS, Department of Agriculture, Food Safety and Inspection Service, Rm 4444-South Bldg., Washington, DC 20250, 202 447-3219

RIN: 0583–AA48

145. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; CERTIFICATION REQUIREMENTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This rule will require specific certification language, advise certifying parties of the consequences of false statements, and include custodians as well as producers as parties to certification. These changes will improve the effectiveness of the voluntary certifications by providing uniformity to certifications and warnings about false statements. Because of increasing high levels of antibiotic and sulfonamide residues found in young veal calves, the Food Safety and Inspection Service in 1984 initiated intensified inplant testing procedures to prevent adulterated meat from entering consumer channels. These procedures provide for a voluntary written certification program that allows for less intense testing of calves certified as not having been treated with drugs, or if so, that prescribed label directions were followed. More recently the Office of the Inspector General recommended that the Agency develop a standard form for the certified calf program.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52177
NPRM Comment Period End	02/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-2807

RIN: 0583–AA58

146. USE OF CERTAIN BINDERS IN MEAT AND POULTRY PRODUCTS AND TRANSFER OF BINDERS IN TEXT TO THE TABLES OF APPROVED SUBSTANCES

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 318; 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This rule will permit the use of wheat gluten, tapioca dextrin, whey protein concentrate, and sodium caseinate as binders in various meat and poultry products. This action responds to petitions submitted by several companies requesting that the Food Safety and Inspection Service permit these substances in various meat and poultry products to improve the texture of the products.

Timetable:

Action	Date	FR Cite
NPRM	10/06/88	53 FR 39307
NPRM Comment Period End	11/07/88	

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Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-6042

RIN: 0583–AA64

147. IMMERSION CURED AND DRY CURED BACON

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This rule will limit nitrate to 120 parts per million (ppm) going into immersion cured bacon bellies and to 200 ppm going into dry cured bacon bellies. The principal effect of this rule would be to reduce the formation of nitrosamines in bacon by prohibiting the use of nitrate in the production of immersion cured and dry cured bacon.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1371
NPRM Comment Period End	03/14/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, Department of Agriculture, Food Safety and Inspection Service, Rm. 2158 South Bldg., Washington, DC 20250, 202 447-3840

RIN: 0583–AA65

148. SULFONAMIDE AND ANTIBIOTIC RESIDUES IN YOUNG VEAL CALVES; REDUCED TESTING

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 309; 9 CFR 310

Legal Deadline: None

Abstract: This rule would amend the Federal meat inspection regulations to modify the testing frequency of young veal calves under certain conditions for residues of sulfonamides and antibiotics.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/20/87	52 FR 2101
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. T. Hubbert, Director, Residue Evaluation and Planning Division, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-2807

RIN: 0583–AA68

149. LABELING OF MEAT FOOD PRODUCTS THAT CONTAIN MECHANICALLY SEPARATED (SPECIES) UNDER CERTAIN CIRCUMSTANCES

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 317

Legal Deadline: None

Abstract: This rule will add a new exception to the requirement that the list of ingredients on the labels of meat food products shall show the common or usual names of the ingredients. The exception would apply to the use of Mechanically Separated (Species) (MS(S)), at levels no greater than ten percent of the livestock and poultry product portion of a meat food product, providing that the labeling of such product bear a calcium content declaration in accordance with section 317.2(j)(13)(ii) of the Federal meat inspection regulations (9 CFR 317.2(j)(13) (ii)). This action is the result of a petition submitted to the Food Safety and Inspection Service by several members of the meat industry to amend the labeling requirements for meat food products containing MS(S).

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35089
NPRM Comment Period End	11/08/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, 202 447-6042

RIN: 0583–AA71

150. IMPLEMENTATION OF IMPROVED PROCESSING SYSTEM

Significance: Agency Priority

Legal Authority: 21 USC 601 et seq; PL 96-511; 44 USC 3501 et seq; PL 99-641, Title IV; 7 USC 1901 et seq; 7 USC 450 et seq

CFR Citation: 9 CFR 301; 9 CFR 302; 9 CFR 303; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 308; 9 CFR 312; 9 CFR 314; 9 CFR 316; 9 CFR 317; 9 CFR 318; 9 CFR 320; 9 CFR 322; 9 CFR 325

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat inspection regulations and the poultry products inspection regulations to reflect a variety of changes in how Federal inspection coverage would be provided by FSIS in establishments that prepare meat food products and/or process poultry products beyond slaughter and evisceration under a 1986 amendment to the Federal Meat Inspection Act which authorizes increased Agency discretion in determining the frequency and manner of such inspections. The proposed regulations would provide for modifications primarily to rules governing agency organization, procedure and practice, revision of incompatible terminology in existing regulations, and the addition of rules describing the essential criteria to be used by FSIS in determining the conditions and methods of inspection coverage in such processing establishments.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44818
NPRM Comment Period End	02/02/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal, Director, Policy and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, 14th &

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Independence Ave., SW, Washington, DC 20250, 202 447-6525

RIN: 0583–AA72

151. BINDER CONSISTING OF SODIUM ALGINATE, CALCIUM CARBONATE, LACTIC ACID AND CALCIUM LACTATE IN GROUND AND FORMED POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This final rule would amend the poultry products inspection regulations to permit the use of a binder matrix in ground and formed poultry products. The matrix consists of a dry mixture of sodium alginate, calcium carbonate, calcium lactate and lactic acid and has been previously approved for use in meat products. FSIS has been petitioned by the Colorado State University Research Foundation, Fort Collins, Colorado, to approve these substances as ingredients which, in combination at specific ratios, have the technical effect of binding ground poultry pieces together to produce formed poultry products. FSIS is amending the regulations to add these substances to the table of approved substances as requested by the petitioner.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1377
NPRM Comment Period End	02/13/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA73

152. INCREASE IN USE LEVELS OF SODIUM CITRATE AS AN ANTICOAGULANT

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This final rule would amend the Federal meat inspection regulations to increase the level of sodium citrate allowed to be used as an anticoagulant in blood from 0.2 percent to 0.5 percent. FSIS has been petitioned by American Meat Protein Corporation, Ames, Iowa, to approve an increased use level of this substance as an anticoagulant in blood to 0.5 percent to facilitate the cleaning of equipment and the separation of red blood cells from plasma, as well as to improve sanitation.

Timetable:

Action	Date	FR Cite
Final Action	08/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA76

153. USE OF VARIOUS BINDERS IN CURED PORK PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 319

Legal Deadline: None

Abstract: This final rule would amend the Federal meat inspection regulations to permit the use of food starch modified and other binders as water retention agents in cured pork products. FSIS has been petitioned by the Corn Refiners Association, Inc., Washington, DC, for the approval of food starch modified at a rate not to exceed 2 percent to enable ham processors to formulate products which will better meet the needs of consumers and food service operators. FSIS is amending the regulations to add this binder to the table of approved substances as requested by the petitioner. FSIS is also amending the regulations to add several other binders for use as water retention agents in cured pork products.

Timetable:

Action	Date	FR Cite
Final Action	08/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA78

154. USE OF SORBITOL AS A FLAVORING AGENT IN SPECIFIC MEAT PRODUCTS

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: This final rule would amend the Federal meat inspection regulations to permit the use of sorbitol to reduce charring in pizza toppings and other cured meat products subject to severe heat treatment. FSIS has been petitioned by Quality Sausage Company, Inc., Dallas, Texas, to approve the use of sorbitol at a level of 2.0 percent of the product formula.

Timetable:

Action	Date	FR Cite
Final Action	08/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA79

155. PROCESSING PROCEDURES AND COOKING INSTRUCTIONS FOR COOKED, UNCURED MEAT PATTIES

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

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Abstract: This rule will provide processors of fully and partially cooked, and char-marked, uncured meat patties with specific manufacturing, handling, and labeling requirements for these products to reduce the potential for incidents of food-borne, pathogen-caused illness from consumption of inadequately cooked, uncured meat patties. This rule will also establish (1) holding temperature and time requirements for raw meat used for cooked, uncured meat patties; (2) internal temperature and time combination processing requirements for fully and partially-cooked, uncured meat patties which are char-marked with heat but remain raw; (3) a requirement that a cooking instruction be placed on the label of partially-cooked and char-marked, uncured patties, instructing the final preparer to cook the patties to a well done state (a minimum internal meat temperature of 160 degrees Fahrenheit); and (4) requirements to assure that fully-cooked, uncured meat patties are not contaminated after cooking. This action will prevent instances of illness from the consumption of such patties.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52179
NPRM Comment Period End	01/26/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill F. Dennis, Director, Processed Products Inspection Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3840

RIN: 0583–AA81

156. IMPORTATION OF LIVESTOCK CARCASSES WITH TISSUES REMOVED

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 327

Legal Deadline: None

Abstract: This rule will amend the Federal meat inspection regulations to remove the requirements prohibiting the importation into the United States of carcasses or parts of carcasses of livestock from which the pleura, peritoneum, body or portal lymph nodes are removed. These carcasses or parts would be imported based on the eligibility of the exporting countries, and whether they are wholesome, not adulterated and properly marked and/or labeled. This action is in response to a petition submitted by Cloverdale Foods Company, Minot, North Dakota.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1724
NPRM Comment Period End	02/16/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth, Director, Slaughter Inspection Standard and Procedures Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3219

RIN: 0583–AA85

157. USE OF TOCOPHEROLS, ASCORBYL PALMITATE AND CITRIC ACID AS ANTIOXIDANTS IN ADDITIONAL PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This final rule would amend the Federal meat and poultry products inspection regulations to permit the use of tocopherols, ascorbyl palmitate and citric acid as antioxidants in various products. FSIS has been petitioned by the Diamond Crystal Salt Company, Inc., St. Clair, Michigan, to approve the use of these substances in meat and poultry products at higher levels than 0.02 percent.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons, Acting Director, Standards and Labeling Division, TS, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-6042

RIN: 0583–AA89

158. IMPORTATION OF MEAT AND POULTRY PRODUCTS; REFUSED ENTRY PRODUCT

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule would amend the Federal meat and poultry products inspection regulations to clarify what actions the agency will take when refused entry product exported to another country is returned to the U.S. This rule will add a proviso that any such products exported to another country and returned to the U.S. would be subject to seizure and condemnation in accordance with the Federal Meat Inspection Act or the Poultry Products Inspection Act.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	
NPRM Comment Period End	03/14/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patrick Clerkin, Director, Field Operations Division, CD, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-5604

RIN: 0583–AA90

159. DEFINITION OF TERMS -- "IMPORTATION" AND "ENTRY"

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This interim rule would amend the Federal meat and poultry products inspection regulations to define the terms "importation" and "entry" to clarify when imported product becomes subject to U.S. requirements. Once product offered for importation has been reinspected by

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FSIS inspectors and the official mark of inspection has been applied, FSIS considers that such product has been entered into the U.S. and is the regulatory equivalent of domestic product. This action is a result of recent litigation which indicated the need for clarification of terms with respect to USDA's interpretation of provisions of the Federal Meat Inspection Act and the regulations thereunder concerning at what point FSIS considers imported products to be domestic products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Ave., SW, Washington, DC 20250, 202 447-3473

RIN: 0583–AA91

160. ● IMPORTED CANADIAN PRODUCT; PROVISION FOR "STREAMLINED" INSPECTION PROCEDURES; EXEMPTION FROM OFFICIAL MARK OF INSPECTION

Significance: Agency Priority

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to provide "streamlined" inspection procedures for the reinspection of Canadian meat and poultry products and by exempting Canadian meat and poultry products offered for importation from the requirement that such product and/or containers of product be marked with the official mark of inspection once they are passed for entry into the United States. These actions stemmed from the Canada-United States Free Trade Agreement Implementation Act of 1988, Pub. L. 100-449. These actions specifically responded to one goal of the Agreement whereby both countries are charged with liberalizing agriculture trade practices by seeking ways to eliminate technical or procedural requirements which now may serve to impede trade in agricultural products.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	12/31/88	
Interim Final Rule	01/05/89	54 FR 273
Comment Period End	02/06/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Stolfa, Deputy Administrator, International Programs, Department of Agriculture, Food Safety and Inspection Service, 14th & Independence Avenue, SW., Washington, DC 20250, 202 447-3473

RIN: 0583–AA99

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed Actions

161. ADMINISTRATIVE REGULATIONS

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335; 9 CFR 381

Completed:

Reason	Date	FR Cite
End Review	11/04/88	53 FR 44818

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: A. Charles Danner, Jr. 202 447-3317

RIN: 0583–AA02

162. TRANSPORTATION

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Completed:

Reason	Date	FR Cite
End Review	11/04/88	53 FR 44818

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: A. Charles Danner, Jr. 202 447-3317

RIN: 0583–AA19

163. VARIOUS AMENDMENTS TO ACCOMMODATE INSPECTION OF MEAT FOOD PRODUCTS UNDER TITLE IV OF THE FUTURES TRADING ACT OF 1986

Significance: Regulatory Program

CFR Citation: 9 CFR 301 to 335

Completed:

Reason	Date	FR Cite
Duplicate of RIN 0583-AA72	02/06/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith Segal 202 447-6525

RIN: 0583–AA26

164. STREAMLINED INSPECTION SYSTEM FOR BROILERS AND CORNISH GAME HENS

Significance: Agency Priority

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	11/21/88	53 FR 46855
Final Action Effective	12/21/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jill Hollingsworth 202 447-3219

RIN: 0583–AA38

USDA—FSIS

Completed Actions

165. ASCORBIC ACID, ERYTHORBIC ACID, CITRIC ACID, SODIUM ASCORBATE, AND SODIUM CITRATE IN FRESH PORK CUTS

CFR Citation: 9 CFR 317; 9 CFR 318

Completed:

Reason	Date	FR Cite
Final Action	12/12/88	53 FR 49848
Final Action Effective	01/11/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons 202 447-6042

RIN: 0583–AA40

166. SAFETY AND SANITATION REQUIREMENTS FOR ELECTRICAL STIMULATING EQUIPMENT

CFR Citation: 9 CFR 307; 9 CFR 308

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 48429
Final Action Effective	12/19/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen Wesson 202 447-3885

RIN: 0583–AA45

167. PROHIBITION ON MOVEMENT OF PRODUCT PRIOR TO REINSPECTION

CFR Citation: 9 CFR 327; 9 CFR 381

Completed:

Reason	Date	FR Cite
No further action at this time	02/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Manis 202 447-2952

RIN: 0583–AA53

168. VOLUNTARY INSPECTION OF EXOTIC ANIMALS

CFR Citation: 9 CFR 350; 9 CFR 352

Completed:

Reason	Date	FR Cite
Final Action	01/13/89	54 FR 1328
Final Action Effective	02/13/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Douglas L. Berndt 202 447-3219

RIN: 0583–AA60

169. CONTROL OF ADDED SUBSTANCES AND LABELING REQUIREMENTS FOR TURKEY HAM PRODUCTS

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Duplicate of RIN 0583-AA84	02/08/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ashland Clemons 202 447-6042

RIN: 0583–AA66

170. DISPOSITION OF LIVESTOCK THYROID GLANDS AND LARYNXES

CFR Citation: 9 CFR 310

Completed:

Reason	Date	FR Cite
Final Action	11/15/88	53 FR 45888
Final Action Effective	12/15/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark T. Mina 202 447-4565

RIN: 0583–AA74

171. RESTORATION OF MEXICO TO LIST OF COUNTRIES ELIGIBLE TO IMPORT TO THE UNITED STATES

Significance: Agency Priority

CFR Citation: 9 CFR 327

Completed:

Reason	Date	FR Cite
Final Action	11/29/88	53 FR 47927
Final Action Effective	12/29/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lawrence Skinner 202 447-7610

RIN: 0583–AA80

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Foreign Agricultural Service (FAS)

172. DETERMINATION OF THE MARKET STABILIZATION PRICE FOR SUGAR FOR FY 1989

Legal Authority: Presidential Proclamation 5002; dated November 30, 1982

CFR Citation: 7 CFR 6.300 to 6.302

Legal Deadline: None

Abstract: This notice sets forth the market stabilization price for sugar for the period October 1, 1987 - September 30, 1988. The Market Stabilization Price is used to determine bond requirements and maximum liabilities under certain programs authorized by Presidential Proclamation No. 5002 of November 30, 1982 (47 FR 54269). The calculation of the Market Stabilization Price is provided for in 7 CFR 6.300-6.302 (50 FR 36040). (FAS 86-003)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural

USDA—FAS **Proposed Rule Stage**

Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA20

173. DETERMINATION OF IMPORT QUOTAS ON SUGAR FOR FISCAL YEAR 1989

Legal Authority: Presidential Proclamation 4941; dated May 5, 1982

CFR Citation: Not applicable

Legal Deadline: Other, Statutory. Import quotas on sugar for FY 1987 must be announced (filed in FR) no later than 15th day of month immediately preceding calendar quarter during which such determination shall be (cont)

Abstract: Presidential Proclamation 4941 dated May 5, 1982 amended headnote 3 of the Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (TSUS) (Headnote 3) to establish a system of quotas for U.S. sugar imports. (FAS 86-004)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: in effect.

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA21

174. TYPES AND QUANTITIES OF AGRICULTURAL COMMODITIES AVAILABLE FOR DONATION OVERSEAS UNDER SECTION 416(B) OF THE AGRICULTURAL ACT OF 1949 FOR EACH FISCAL YEAR

Legal Authority: For future FY's: Food Security Act of 1985

CFR Citation: Not applicable

Legal Deadline: None

Abstract: For FY 1986: The "Food Security Improvements Act of 1986" amends the Food Security Act of 1985, as amended, to require an estimate of Commodity Credit Corporation stocks to be made available under Section 416(b) in FY 1986 by kind of commodity and quantity of each kind of commodity. The Food Security Act, as amended, requires that this estimate be published in the Federal Register.

For future FY's: The Food Security Act of 1985, as amended, requires the above estimate be made and published in the Federal Register before the beginning of each fiscal year. (FAS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. Finkbeiner, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4961-South Bldg., Washington, DC 20250, 202 447-6713

RIN: 0551–AA23

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Forest Service (FS)

175. PART 219 PLANNING

Significance: Agency Priority

Legal Authority: 16 USC 1604; 16 USC 1613; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: The rules at 36 CFR 219 set forth the procedures and resource standards that guide development and approval of National Forest land and resource management plans as required by the National Forest Management Act of 1976.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/90	
End Review	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Review of these planning regulations has been rescheduled to allow completion of all forest plans and to allow for a review of first-generation plans and associated planning issues.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA50

176. 36 CFR 271 - USE OF "SMOKEY BEAR" SYMBOL

Legal Authority: 18 USC 711

CFR Citation: 36 CFR 271

Legal Deadline: None

Abstract: The regulations govern how the name or image of "Smokey Bear" may be used, who may authorize the use of "Smokey Bear," and the use of official campaign materials, commercial licensing, and the association with the State Foresters and the Advertising Council. This review will focus on licensing and especially exclusive licenses and will consider counterpart regulations in Part 272-Use of "Woodsy Owl" Symbol as a possible approach.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA66

177. WHISKEYTOWN-SHASTA-TRINITY NATIONAL RECREATION AREA

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 292, Subpart B

Legal Deadline: None

Abstract: The rules at 36 CFR 292, Subpart B govern joint administration of the Shasta and Clair Engle-Lewiston units of the National Recreation Area by the Forest Service and the Bureau of Reclamation. The rules also set forth standards for defining compatible private land uses within the National Recreation Area to govern decisions by local zoning authorities, or in the absence of such authorities, decisions on land uses by the Secretary of Agriculture. The review will focus on experience under the rules and whether they still serve the public interest in ensuring that development and management of the NRA meet Congressional intent.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/88	
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA68

178. 36 CFR 241 WILDLIFE: COOPERATION IN WILDLIFE PROTECTION, WILDLIFE MANAGEMENT AND FEDERAL REFUGE REGULATIONS

Legal Authority: Sec 1, 30 Stat 35; Sec 1, 33 Stat 628; Sec 1, 39 Stat 476; 16 USC 472, 551, 683

CFR Citation: 36 CFR 241

Legal Deadline: None

Abstract: This rule is being reviewed as required by USDA Departmental Regulation 1512-1.

36 CFR 241.1 describes Forest Service cooperation with State, County and Federal officials in the enforcement of all laws and regulations for the protection of wildlife. Forest Service employees may be appointed as deputy game wardens with full power to enforce State laws and regulations.

36 CFR 241.2 describes how Forest Service cooperates with States in developing plans for securing and maintaining desirable populations of wildlife species including entry into cooperative agreements for such purposes.

36 CFR 241.3 regulates hunting of game or non-game animals on Forest Service lands not managed cooperatively with States. Persons desiring to hunt on this land must procure a permit. The Forest Service will cooperate with persons, firms, corporations and county and State officials in the management of animals on national forest lands not having cooperative agreements for wildlife management with States. The Forest Service may sell or exchange or accept donations of animals in (cont)

Timetable:

Action	Date	FR Cite
Begin Review	02/01/88	
End Review	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: promoting conservation of wildlife.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA81

179. ISOLATED CABIN POLICY

Significance: Agency Priority

Legal Authority: 16 USC 551; 16 USC 497

CFR Citation: None

Legal Deadline: None

Abstract: Agency policy is to terminate isolated cabin authorizations on National Forest System land that were constructed without advance authorization and subsequently authorized by special use permit. These cabins are used for part- or full-time occupancy. These cabins differ from recreation residences which were established in tracts specific for this purpose and built with Agency approval and supervision. Isolated cabins originated in several ways, including encroachment and mining claims. They restrict management of the surrounding National Forest land and deprive the public from the use and enjoyment of the land actually occupied and the surrounding area. The action proposed is to seek input from the public as to whether the present policy should be continued, or whether it should be revised so as to examine each isolated occupancy and determine whether, in the interests of fairness and equity, the cabin should be converted to a recreation residence. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/00/89	
ANPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This proposal to revise current policy was originally included in proposed policy on recreation residences (52 FR 206-208). Public comments and continuing discussions with recreation residence permittees on that policy revealed widely divergent views on the Agency's policy, strongly suggesting that isolated cabins be treated separately from recreation residences. Therefore, so as not to delay implementation of final policy on recreation residences, a decision was made to seek additional public comment on the isolated cabin policy before a decision is made to revise the policy.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA85

180. 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART A - GENERAL PROVISIONS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart A

Legal Deadline: None

Abstract: This is a five year review of 36 CFR 223, Subpart A. Subpart A primarily authorizes the conditions for free use of National Forest timber.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/89	
End Review	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

USDA—FS **Prerule Stage**

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA89

181. 36 CFR 223 SALE AND DISPOSAL OF NATIONAL FOREST TIMBER, SUBPART B - TIMBER SALE CONTRACTS

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223, Subpart B

Legal Deadline: None

Abstract: This is a five year review of 36 CFR 223, Subpart B. Subpart B provides for the sale and disposal of National Forest timber, including contract conditions and provisions, advertisement and bids, award of contracts, and contract administration.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/89	
End Review	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA90

182. SPECIAL AREAS

Legal Authority: Sec. 1, 30 Stat 35, as amended; 62 Stat 100; Sec. 1, 33 Stat 628; 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 294.1

Legal Deadline: None

Abstract: The agency will undertake a review of its existing regulations at 36 CFR 294.1 that provide for the setting aside of areas of National Forests, other than Wilderness or wild areas, which should be managed principally for recreation. The rule establishes size classes for areas that may or may not be designated by the Chief of the Forest Service and the Secretary of Agriculture; describes examples of the types of areas that might be set aside, and provides for clearly marking these areas on the ground. Areas classified under this section are set apart and reserved for public recreation use and such classification constitutes a formal closing of the area to any use or occupancy inconsistent with the classification.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/88	
End Review	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA91

183. ● FEDERAL CAVE RESOURCES PROTECTION

Significance: Agency Priority

Legal Authority: PL 100-691

CFR Citation: 36 CFR 290, "Subpart A (New)"

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: Regulations will implement the Federal Cave Resources Protection Act of 1988, which requires that the rules define what is a significant cave for purposes of this Act. The Act also requires that the rules address an inventory of cave resources, provide for confidentiality of information concerning the nature and location of caves on Federal land, and permits for collection and removal of cave resources. The regulations are being developed in concert with agencies of the U.S. Department of the Interior as required by the act.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/89	54 FR 9066
ANPRM Comment Period End	04/03/89	54 FR 9066
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AB02

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Forest Service (FS)

184. SUSPENSION AND DEBARMENT OF TIMBER PURCHASERS, 36 CFR 223, SUBPART C

Significance: Agency Priority

Legal Authority: PL 94-588, Sec 14; 16 USC 472a

CFR Citation: 36 CFR 223, Subpart C

Legal Deadline: None

Abstract: Currently, suspension and debarment of timber purchasers means the debarred entity is prevented from bidding or being awarded Forest Service timber sale contracts. Recently, suspended and/or debarred purchasers have been serving as subcontractors on Forest Service timber sale contracts, or acting as purchaser's representatives to receive notices and to take action on contracts. This has the effect of negating the suspension/debarment action, which is to protect the Government. The rule will be revised to prevent suspended and/or debarred purchasers from serving as subcontractors or purchaser representatives.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA09

185. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Legal Deadline: None

Abstract: The objective is to establish the Land Status Record as the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 85-012)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA24

186. DOWN PAYMENTS/PERIODIC PAYMENTS/MARKET-RELATED CONTRACT TERM ADJUSTMENTS ON NATIONAL FORESTS TIMBER SALES

Legal Authority: 16 USC 472a; 16 USC 618

CFR Citation: 36 CFR 223.52; 36 CFR 223.50

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make down payments and periodic payments on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. A rule published 10/11/85 at 50 FR 41498 requires cash down payments and a midpoint payment. However, to fully comply with the Act, additional rules are required. This rule will identify the requirements for down payments, periodic payments, and market-related contract term additions. This rule will eliminate discounting and the requirement to hold a down payment until the last timber is removed. Based on comments received the agency has decided to issue a new proposed rule. (FS 85-014)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
NPRM	11/06/87	52 FR 43020
NPRM Comment Period End	02/19/88	53 FR 544
NPRM	06/00/89	
NPRM Public Comment Period End	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: As listed in prior agendas, these actions were identified separately. To avoid unnecessary fragmentation of effort and to facilitate systematic implementation, the following entries are being combined into this rulemaking: RIN 0596-AA83 and 0596-AA98.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA33

187. GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD, FREE-ROAMING HORSES AND BURROS

Legal Authority: 7 USC 1011; 16 USC 472; 16 USC 551; 16 USC 572; 16 USC 580g; 16 USC 580h; 16 USC 580l; 16 USC 1600 et seq; 31 USC 9701; 43 USC 1901 to 1903; 43 USC 1751; 43 USC 1752

CFR Citation: 36 CFR 222, Subpart A

Legal Deadline: None

Abstract: Minor amendments to 36 CFR 222, Subpart A are under consideration to eliminate unnecessary sections, include currently used policies and procedures, and revise the remaining regulations making them clearer and easier for the public and Agency personnel to use. The proposed regulations (1) clarify the definitions of excess livestock and unauthorized use rate; (2) remove the rule for grazing advisory boards; (3) establish requirements or procedures for minimum permit size, eligibility related to compliance with permit terms, permits for livestock use in vegetation management, valuing range improvements when livestock grazing is eliminated, charging a fee for processing actions initiated or caused by a permittee or applicant, and association meeting frequency of a least 1 every 12 months; (4) authorize, in the Eastern States, crediting permittees for specified range improvements when determining grazing fees and a waiver of base property and livestock ownership requirements on developing ranges; (5) incorporate currently used policies and procedures for escrow waivers, association member grievances, permit cancellation or (cont)

Timetable:

Action	Date	FR Cite
Review of Subpart B - notice of completion of review; no change in rules required	08/14/87	52 FR 30359
NPRM	08/16/88	53 FR 30954
NPRM Comment Period End	10/17/88	53 FR 30954
NPRM - Second	05/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: suspension for excess use, charges for excess use, requests for information for evaluating grazing applications and action on apparent violations of permit terms.

On August 16, 1988, a proposed rule was published in 53 FR 30954. In response to comments received a second proposed rule is being issued. The dates projected are for proposed and final rules revising 36 CFR 222, Subpart A-grazing and livestock use. No further rulemaking activity is planned on Subpart B. The review of Subpart B pursuant to EO 12291 concluded that there was no need to revise these rules (See Timetable).

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of

Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA35

188. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Significance: Regulatory Program

Legal Authority: 43 USC 1764; 31 USC 483a; 30 USC 181 Mineral Leasing Act

CFR Citation: 36 CFR 251.58

Legal Deadline: None

Abstract: The objective of this rulemaking is to establish the policy, procedures, and guidelines for recovering costs incurred by the Forest Service in the administration of special uses on National Forest System Lands. In addition, the rulemaking will propose clarifying amendments to the agency's rules on authorizing special uses resulting from conclusion of review of the existing regulation. This action has been rescheduled because of the necessity to revise the rules of this subpart with regard to First Amendment rights of assembly and speech (See Agenda entry #213). (RIN 0596-AA20) (FS 86-005)

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rulemaking will incorporate actions under 0596-AA20.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA36

189. REVISE THE DEFINITION OF "MECHANICAL TRANSPORT" AT 36 CFR 293.6(A)

Legal Authority: 16 USC 113 to 136; 16 USC 528 to 531; 16 USC 577 to 577c; 16 USC 1133

CFR Citation: 36 CFR 293.6(a)

Legal Deadline: None

Abstract: The objective of this action is to clarify the definition of mechanical transport in 36 CFR 293.6(a). Except where specifically provided for, the Wilderness Act (16 USC 1133) prohibits both motorized equipment and mechanical transport. Mechanical transport includes devices such as bicycles, hang gliders, wheeled carts, and other items designed to carry people or supplies and powered by either "non living" or "living" power sources. (FS 86-009)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA39

190. CONSERVATION OF FISH, WILDLIFE, AND THEIR HABITATS CHUGACH NATIONAL FOREST, ALASKA

Legal Authority: PL 96-487, Title V

CFR Citation: 36 CFR 241, Subpart B (New)

Legal Deadline: None

Abstract: December 2, 1980, the Alaska National Interest Lands Conservation Act was signed into law. Section 501 (b) of the law requires that the Secretary of Agriculture promulgate regulations for the conservation of fish and wildlife and their habitats on the Chugach National Forest. The general National Forest System regulations and other existing laws governing management of National Forest System lands are applicable except as supplemented by these regulations or amended by the ANILCA, August 17, 1984. The new Chugach National Forest land management plan was appealed by 17 appellants. The settlement agreement specifies that subject to valid existing rights, the Forest Service will not allow timber harvest, road construction, surface occupancy for mineral leasing prior to publication of final regulations or completion of management area analysis for the Copper River Management Area. There are no alternatives to development of these regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA41

191. LAND EXCHANGES

Significance: Agency Priority

Legal Authority: 16 USC 485; 16 USC 486; 16 USC 516; 7 USC 1011; 16 USC 555a; 43 USC 1715; 43 USC 1716; 102 Stat 1086

CFR Citation: 36 CFR 254, Subpart A

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: Changes in existing regulations are needed to implement provisions of the Federal Land Exchange Facilitation Act of August 20, 1988, as well as to correct errors, delete obsolete portions, update to reflect current authorities, clarify ambiguities.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	04/00/89	
Final Action	07/20/89	
Final Action Effective	08/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box

96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA42

192. SMALL BUSINESS TIMBER SALE SET ASIDE PROGRAM

Significance: Regulatory Program

Legal Authority: 15 USC 631

CFR Citation: Not applicable

Legal Deadline: None

Abstract: The policy is designed to ensure that small business purchasers have the opportunity to purchase a fair proportion of National Forest Timber. Based on comments received in response to the 9/25/87 proposal, review of market data and Congressional direction, the agency is withdrawing its 1987 proposal and offering a new proposal.

The proposed policy will be consistent with the current standards and establish procedures for determining what share of timber volume small business will have the opportunity to bid on without competition from large business.

Timetable:

Action	Date	FR Cite
NPRM	11/21/84	49 FR 45889
NPRM Comment Period End	01/22/85	
Final Policy	06/13/85	50 FR 24788
Request Comments on Final Policy	02/03/86	51 FR 4264
Revised Proposed Policy	09/25/87	52 FR 36075
Proposed Policy Comment Period End	11/00/87	
New Proposed Policy	05/00/89	
Proposed Policy Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA43

193. REVISION OF TIMBER SALE CONTRACT FORMS FS-2400-6 AND FS-2400-6T

Significance: Regulatory Program

Legal Authority: 16 USC 535; 16 USC 551; 16 USC 472a; 16 USC 607A; 16 USC 618; 42 USC 4461

CFR Citation: None

Legal Deadline: None

Abstract: The present timber sale contract Form FS-2400-6 was developed in September 1973, and the Form FS-2400-6T was developed in October 1973. Since these dates several Acts, Laws, and policy changes have necessitated deletion of existing provisions and inserting supplemental provisions. The need to revise these documents has been recognized since the late 1970's. The revision will provide for clarification of provisions to reduce the potential for disputes between purchasers and the Forest Service. There will be no changes in the basic contract concepts except those dictated by law, regulation, and related policy. Comments from interested individuals and organizations will be utilized, as appropriate, in the formulation of the provision language.

Timetable:

Action	Date	FR Cite
Notice of availability; request for comment	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA45

194. LEASABLE MINERALS OTHER THAN OIL AND GAS

Significance: Regulatory Program

Legal Authority: 16 USC 473 to 475; 16 USC 477 to 482; 16 USC 551; 16 USC 528 to 531; 90 Stat. 2949 as amended

CFR Citation: 36 CFR 228, Subparts F to H (New)

Legal Deadline: None

Abstract: These subparts will set forth the rules by which the Forest Service will process and respond to proposals received from the Department of the Interior (DOI) for the issuance of mineral licenses, prospecting permits and leases, and for the approval of operating plans. The Forest Service has no regulations at this time which have resulted in inconsistent and untimely responses to the DOI. The only other alternative considered is not to promulgate regulations. Public costs are insignificant but public benefits could be substantial in that proposals should be processed more efficiently.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proposal has been rescheduled because of the need to give priority to issuance of oil and gas leasing regulations (entry no. 184).

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA46

195. APPLICATION PROCEDURES AND FEES FOR HYDROELECTRIC USES ON NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None

Abstract: Regulations are needed to reduce confusion regarding the role of the Forest Service in permitting hydroelectric uses on National Forest System lands. The objective of the rules will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

In addition, the rules will establish a fee system for hydroelectric uses as required by Title V, Section 501 of the Federal Land Policy and Management Act of 1976. A Notice of Proposed

Policy was published 6/8/84 and comments were received. The proposed rule will take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
NPRM Comment Period End	06/15/89	
Final Action	09/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $2,033,000; Base Year for Dollar Estimates: 1986

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA47

196. LOCATABLE MINERALS

Significance: Agency Priority

Legal Authority: 16 USC 478; 16 USC 551; 43 USC 1701 et seq; 94 Stat 2400

CFR Citation: 36 CFR 228, Subpart A

Legal Deadline: None

Abstract: To facilitate the orderly development of locatable minerals on the National Forest System public domain in an environmentally sound manner. Since the regulations were promulgated in 1974, certain legal requirements have changed due to the provisions of the Wilderness Act and recent court decisions; some sections of the regulations no longer apply and revisions and updating are necessary. Major changes proposed will specifically address the requirements for wilderness operations and, secondly, will clarify the mechanism for administering locatable mineral activities not conducted on mining claims but which are nevertheless authorized by the 1872 mining law.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA49

197. GRAZING FEES; EASTERN AND SOUTHERN REGIONS

Significance: Regulatory Program

Legal Authority: 16 USC 551; 31 USC 483a; 43 USC 1901

CFR Citation: 36 CFR 222.53, 222.54

Legal Deadline: None

Abstract: Different grazing fee systems are used in the Eastern and Southern Regions of the Forest Service. The current system in the Eastern Region is market driven. The system in the Southern Region is based on a cost-of-livestock-production/ability-to-pay methodology which currently results in below market fees.

This rulemaking seeks to improve uniformity of grazing fee systems on National Forest System Lands in the East, update fees to current market values, and provide incentives to achieve needed range improvements.

Timetable:

Action	Date	FR Cite
NPRM	02/10/89	
NPRM Comment Period End	04/11/89	
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA55

198. LAW ENFORCEMENT SUPPORT ACTIVITIES

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 262

Legal Deadline: None

Abstract: These rules describe awards the Forest Service is authorized to make for information leading to arrest and convictions of persons who start fires or otherwise destroy property on National Forests. Subpart B sets forth rules governing impoundment or removal of unauthorized personal property from National Forest System lands.

Review has focused on the adequacy of the rules for administration of the National Forests and has revealed the need for minor revisions. The agency is now developing a proposed rule in response to the review.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA65

199. INCREASE IN MINIMUM RATES CHARGED FOR TIMBER

Legal Authority: 16 USC 472a

CFR Citation: None

Legal Deadline: None

Abstract: Minimum rates charged for timber have not been changed since 1979. The increased costs of preparing timber sales and the general increases in costs of logging and the price of timber have resulted in minimum rates that are disproportionately low. The action being considered is to increase minimum rates to account for inflationary increases since the rates were last changed. The agency is currently conducting statistical analysis of various rate increases and their impacts as a basis for developing this proposal.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	

Action	Date	FR Cite
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA73

200. 36 CFR 261 PROHIBITIONS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to (d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: These rules declare the range of unacceptable public behavior when visiting or using National Forest System lands. Among topics covered are prohibitions on setting campfires in certain areas, unlawful cutting of trees, and other unlawful uses of resources and property of the National Forest System. Violations of these prohibitions carry legal penalties.

Review has examined the adequacy of the rules for administration of the National Forest System and whether changes in conditions, laws, or other factors require revision. The agency has completed its review and is now preparing a proposed rule to revise the prohibitions.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA75

201. REVISE SMALL TRACTS ACT REGULATIONS

Significance: Agency Priority

Legal Authority: 16 USC 521c-i

CFR Citation: 36 CFR 254, "Subpart C"

Legal Deadline: None

Abstract: Implementation of the agency's Small Tracts regulations has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA79

202. REVISE RULES GOVERNING SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS AND RESOURCES AT 36 CFR 251, SUBPART B TO REMOVE AMBIGUITIES REGARDING FIRST AMENDMENT RIGHTS

Significance: Agency Priority

Legal Authority: 16 USC 472, 551, 1134, 3210; 30 USC 185; 43 USC 1740, 1761 to 1771

CFR Citation: 36 CFR 251.50; 36 CFR 251.51; 36 CFR 251.53; 36 CFR 251.54

Legal Deadline: None

Abstract: A Federal District Court has ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights of assembly and free speech. The proposed rule will seek to remove ambiguities regarding these first amendment rights.

The agency is reviewing the rules of other Federal land managing agencies for possible approaches and is considering establishing separate rules for authorizing short-term, noncommercial uses of National Forests.

There will be no additional costs as a result of the proposed rule change. The benefit will be that the Forest Service will be able to adequately regulate large group use on the National Forests, which in turn will protect the public health and safety, and protect National Forest resources.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16548
Interim Rule Effective	05/10/88	53 FR 16548
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA80

203. HELL'S CANYON NATIONAL RECREATION AREA - PRIVATE LANDS

Legal Authority: PL 94-199, sec 10a

CFR Citation: 36 CFR 292, Subpart E (New)

Legal Deadline: None

Abstract: The USDA - Forest Service proposes to issue regulations

concerning the use of private lands in the Hell's Canyon National Recreation Area (HCNRA) on the Oregon - Idaho border, as required in PL 94-199. The intended effect of this action is to establish standards for use and development of privately owned lands within the HCNRA.

The standards are intended to achieve the following management objectives for the Recreation Area: (1) The conservation and continuance of forest land for forest uses and farm land for farm uses; (2) The maintenance and protection of the free flowing nature of rivers within the HCNRA; (3) Conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit; (4) Preservation, especially in the area generally known as Hell's Canyon, of all features and peculiarities believed to be biologically unique; (5) Protection and maintenance of fish and wildlife habitat; (6) Protection of archaeological and paleontological sites; (7) Preservation of historic sites associated with and typifying the economic and social history of the region (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: ABSTRACT CONT: and the American West; and (8) Continuation of traditional uses.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA88

204. PROPOSED SOLID WASTE DISPOSAL POLICY

Significance: Agency Priority

Legal Authority: 16 USC 497; 43 USC 931c

CFR Citation: None

Legal Deadline: None

Abstract: Solid waste disposal sites (sanitary landfills) on National Forest System lands present the potential for resource degradation, hazardous waste dumping, and future liability. A proposal for solid waste disposal is being developed to reflect changes which have occurred as a result of the Resource and Conservation Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and an increased knowledge of solid waste disposal. The proposal would prohibit the authorization of new sites and provide for the phase out of existing sites. During the phase out period, authorizations would be amended to provide resource protection and limit the Government's potential liability. In situations where National Forest System lands provide the best location for solid waste disposal, land exchange and/or purchase will be considered. Adoption of this policy would reduce administrative costs associated with administration of solid waste disposal sites, limit future liability, and protect the resources on National Forest System lands. The proposal would impact 110 sites currently authorized.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA92

205. IRREVOCABLE LETTER OF CREDIT

Significance: Agency Priority

Legal Authority: 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. Others were invalid because they exceeded the expiration date. To remedy this problem, the Forest Service is proposing to issue Handbook directions that will require the bank president to certify as to the authority of the person signing the letter of credit and the conformance with State and Federal statutes. An automatic extension of the expiration date would also be required.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA93

206. ● RESERVED AND OUTSTANDING MINERAL RIGHTS

Significance: Regulatory Program

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 228, Subpart B

Legal Deadline: None

Abstract: Substantial acreage of National Forest System land is underlain by privately owned mineral deposits. During extraction of the mineral resources, the mineral owner is required to take measures to protect Federal surface resource values. The Forest Service must analyze the effects of the proposed mineral extraction and determine what mitigation measures should be specified. Currently, there are no regulations describing the process to be followed by the Forest Service or the private mineral owner.

The regulatory approach has not yet been determined. A working group will be formed in February 1989 to determine the scope, form, and details to be included in a proposed rule.

USDA—FS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Forest Service, USDA, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AA99

207. ● DOUGLAS-FIR LUMBER PRICE INDEX REVIEW

Legal Authority: 16 USC 528 to 531; 16 USC 1600 to 1614

CFR Citation: 36 CFR 223.60

Legal Deadline: None

Abstract: The Agency will review the Douglas-fir lumber price indexes used to appraise public timber offered for sale and to adjust prices billed for timber already under contract in Northwestern California and the Pacific Northwest Coastal Regions.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
NPRM Comment Period End	06/01/89	
Final Action	09/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB00

208. ● DISPOSAL OF QUARTZ MINERAL ON THE OUACHITA NATIONAL FOREST

Legal Authority: PL 100-446, Sec 323; 30 USC 601, 603

CFR Citation: 36 CFR 228 "Subpart C to D"

Legal Deadline: None

Abstract: This regulation is a direct response to the direction in Section 323 of Public Law 100-446 which classified quartz mineral on the Ouachita National Forest in Arkansas as no longer subject to location under the General Mining Law of 1872. These materials are now to be managed in the same manner as common varieties of mineral materials under regulations prescribed by the Secretary of Agriculture.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 202 235-1488

RIN: 0596–AB01

209. ● PRE-AWARD INFORMATION REQUIREMENTS

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.101

Legal Deadline: None

Abstract: Recently, as the number of timber sale defaults have increased, the number of debarred purchasers have increased, and the Government has initiated a policy of only doing business with responsible parties, it is becoming commonplace for bidders to form new affiliates in order to continue to be awarded Forest Service timber sale contracts. Unless the bidder voluntarily identifies affiliates, the Agency must make the determination through a time consuming process prior to award, prior to determining if double downpayment rules apply, and prior to taking debarment action. This rule would require bidders to disclose, prior to award of sales, all affiliates, and to certify that none are suspended or debarred. Filing false claims would be cause for contract cancellation, and debarment action.

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	
NPRM Comment Period End	08/01/89	
Final Action	11/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, WAshington, DC 20090-6090, 202 235-1488

RIN: 0596–AB03

DEPARTMENT OF AGRICULTURE (USDA)

Final Rule Stage

Forest Service (FS)

210. ACCESS TO NON-FEDERAL LANDS

Legal Authority: PL 96-487, Sec 1323(a); 16 USC 3210(a)

CFR Citation: 36 CFR 251.53; 36 CFR 251.80

Legal Deadline: None

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37795
NPRM Comment Period End	11/28/88	
Extension of Comment Period	11/30/88	53 FR 48278
Comment Period End	01/30/89	

USDA—FS **Final Rule Stage**

Action	Date	FR Cite
Final Action	06/15/89	
Final Action Effective	08/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA31

211. MODIFY THE GENERAL PROHIBITION AGAINST USE OF VEHICLES IN EXCESS OF 40 INCHES IN WIDTH ON TRAILS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261.12(e)

Legal Deadline: None

Abstract: The objective of this action is to permit Forest officers more discretion for controlling off-road vehicle use. Three factors have created the need to modify this regulation: (1) the general prohibition at 36 CFR 261.12(e) controls trail use by width of vehicle. Originally developed to control four-wheel-drive vehicles on trails, this method uses a fairly arbitrary device (width) to control use; (2) off-road vehicle plans (36 CFR 295) use vehicle types to prescribe the vehicles that are permitted to use forest trails; (3) some recent models of trail vehicles (all terrain vehicles and snowmobiles) exceed the forty inch rule by one to five inches. The combination of the two methods of control with the larger model sizes has created confusion among users about ORV plan direction and created law enforcement difficulties. The proposed action would clarify the regulations and still maintain the tools necessary to control off-road vehicle use. (FS 86-007)

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35526
NPRM Comment Period End	11/14/88	
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA38

212. DEFINITION OF COMMON VARIETY MINERAL MATERIALS

Legal Authority: 30 USC 601 to 604; 16 USC 477; 16 USC 520; 7 USC 1010; 30 USC 192c; 16 USC 508b; 66 Stat. 285; 16 USC 521a; 75 Stat. 205; 23 USC 101 et seq; 16 USC 539a, Sec 502

CFR Citation: 36 CFR 228, Subpart C

Legal Deadline: None

Abstract: Whether a mineral deposit is a "common variety" determines whether or not it can be disposed of or sold by the Government under the 1947 Mineral Materials Act. Judicial and administrative interpretations defining common variety characterization determinations can only be made in court. Rulings in common variety cases are generally unpredictable, and the costs to both the Government and miner are high.

After a review of the legislative history of the 1955 Surface Resources Act, which defined common varieties, we believe that Congress did not intend for certain minerals to be locatable under the Mining Laws; however, a failure to explicitly define the "common variety" term has led to misinterpretation and actions contrary to the original intent of the law. It is proposed that 36 CFR 228 Subpart C be amended to clarify this confusing classification situation. We believe PL 167 expressly provides for this action as it allows the Secretary of Agriculture to dispose of mineral materials "under such rules and regulations as he may prescribe."

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15236
NPRM Comment Period End	06/27/88	53 FR 15236
Final Action	04/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA44

213. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Significance: Agency Priority

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, Subpart D (New)

Legal Deadline: None

Abstract: Objectives are to set forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act of 2/8/87, as amended by Section 31, Act of 6/25/10 authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Recent litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations when the Forest Service determines that lands are not chiefly valuable for agricultural and grazing purposes. The only alternative is not to issue regulations. This is unacceptable since it leaves the Agency vulnerable to future IBLA appeals cases as well as future litigation.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	52 FR 23473
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA52

USDA—FS

Final Rule Stage

214. PROHIBITIONS; FOSSIL COLLECTING

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 261

Legal Deadline: None

Abstract: In response to comments from the scientific and academic communities and in keeping with the recommendations of the National Academy of Sciences "Report on Guidelines for Paleontological Collecting," the Forest Service is clarifying its regulations concerning fossil collecting on National Forest System lands. The language on "paleontological resources" is being moved to a separate paragraph and the requirement for permits is being limited specifically to quarrying for fossils and for commercial activities. The no-action alternative would be to leave the regulation of paleontological resources the same as for archeological resources, with permits needed for all activities. Since there is no evidence of widespread problems, the permit process imposes unnecessary burdens on the casual collector and creates added paperwork for the Forest officer to manage.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/86	51 FR 30355
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rule was delayed in order to receive and consider a final report from the National Academy of Sciences on "Guidelines for Paleontological Collecting."

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA56

215. SKI AREA TERM PERMITS

Significance: Agency Priority

Legal Authority: PL 99-522, Sec 3(c)

CFR Citation: 36 CFR 251.51; 36 CFR 251.53; 36 CFR 251.56; 36 CFR 251.57

Legal Deadline: Final, Statutory, October 22, 1987.
A one-year deadline is specified in the law.

Abstract: PL 99-522 provides new authority and direction for granting permits authorizing ski development and operation. It requires promulgation of rules within one year of enactment. Current direction for issuing special use permits including ski areas is contained in 36 CFR 251.50 through 251.64. While most of the current direction will continue to apply, revisions will be necessary to respond to the special provisions of the law relating to permit duration and acreage to be authorized.

The law has the effect of eliminating the current need and practice to issue two permits to authorize a single resort to use more than 80 acres. Further, it authorizes the issuance of 40-year permits instead of 30 which has been the maximum in the past.

Timetable:

Action	Date	FR Cite
NPRM	10/13/88	53 FR 40739
NPRM Comment Period End	12/19/88	
Final Action	05/01/89	
Final Action Effective	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA57

216. OIL AND GAS RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 478; 16 USC 551; 30 USC 226, 352

CFR Citation: 36 CFR 228, Subpart E

Legal Deadline: None

Abstract: These proposed rules set forth the procedures by which the Forest Service would carry out its statutory responsibilities for management of oil and gas leasing and attendant surface disturbing activities conducted on leaseholds on National Forest System lands. In the past, The Forest Service has relied on Bureau of Land Management procedures and regulations. However, the Federal courts have ruled that the Forest Service must promulgate its own procedures and regulations. Additionally, the Federal Onshore Oil and Gas Leasing Reform Act of 1987 expanded the authority of the Secretary of Agriculture in the management of oil and gas resources on National Forest System lands and directed the Secretary to issue rules on bonding and reclamation standards. The intent of these rules is to satisfy both judicial direction and the new statute; to coordinate Forest Service oil and gas resource management procedures with those of the Bureau of Land Management, and to promote cooperation among the Agency, the oil and gas industry, and other publics interested in the management of oil and gas resources of the (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3326
NPRM Comment Period End	03/24/89	
Final Action	07/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL ABSTRACT CONT: National Forest System lands.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA82

217. SURETY BOND FORM REVISION

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309; 31 USC 223 to 225

CFR Citation: None

Legal Deadline: None

Abstract: Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and

USDA—FS

Final Rule Stage

performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1742
NPRM Comment Period End	03/20/89	
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Proposed Bond Form changes have been reviewed by surety industry in 1987. Another review is scheduled in August 1988. The Agency anticipates publishing a notice proposing bond form changes in January 1989.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA94

218. DEFERRAL OF PAYMENTS ON HIGH-PRICED TIMBER SALES

Significance: Agency Priority

Legal Authority: 16 USC 476

CFR Citation: None

Legal Deadline: None

Abstract: This policy will provide guidance to Contracting Officers in the exercise of their existing authorities to administer Forest Service timber sale contracts. Current law provides that Contracting Officers may make modifications on unexecuted portions of a contract that will not be injurious to the United States, and in the public interest. Under this policy, the terms of payment of high-priced sales bid before January 1, 1982, could be modified to allow the purchaser the opportunity to mix high-price operations with lower priced ones. This action is needed to avoid defaults on these high-priced sales and thereby to protect the flow of receipts to the Treasury and States and counties. The deferred payment would be fully secured and the purchaser would have to pay interest. This policy has been developed in concert with the Bureau of Land Management.

Timetable:

Action	Date	FR Cite
Interim Policy	08/22/88	53 FR 31962
Interim Policy Effective	09/01/88	
Interim Policy Comment Period End	10/21/88	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, 703 235-1488

RIN: 0596–AA97

DEPARTMENT OF AGRICULTURE (USDA)

Completed Actions

Forest Service (FS)

219. APPEAL OF DECISIONS OF FOREST OFFICERS

Significance: Agency Priority

CFR Citation: 36 CFR 211.18

Completed:

Reason	Date	FR Cite
Final Action	01/23/89	54 FR 3342
Final Action Effective	02/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 202 235-1488

RIN: 0596–AA51

220. OFFICIAL FOREST SERVICE INSIGNIA

CFR Citation: 36 CFR 264; 36 CFR 264.1; 36 CFR 264.2; 36 CFR 264.3; 36 CFR 264.4; 36 CFR 264.5

Completed:

Reason	Date	FR Cite
Withdrawn	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA59

221. NONCOMPETITIVE DISPOSAL OF MINERAL MATERIALS

CFR Citation: 36 CFR 228, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	10/28/88	53 FR 43690
Final Action Effective	10/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA60

222. SALE OF TIMBER WHERE TOTAL PUBLIC BENEFITS MAY NOT MEET OR MAY EXCEED TOTAL COSTS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA74

USDA—FS

Completed Actions

223. USE OF "WOODSY OWL" SYMBOL

CFR Citation: 36 CFR 272; 36 CFR 272.1; 36 CFR 272.2; 36 CFR 272.3; 36 CFR 272.4; 36 CFR 272.5; 36 CFR 272.6

Completed:

Reason	Date	FR Cite
Withdrawn	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA76

224. MODIFICATION OF TIMBER SALE DOWNPAYMENT REQUIREMENTS

CFR Citation: 36 CFR 223

Completed:

Reason	Date	FR Cite
Merged with RIN 0596-AA33	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA83

225. TIMBER SALE FINANCIAL SECURITY

Significance: Regulatory Program

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn - Until completion of RIN 0596-AA33	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA87

226. SURETY REVOCATION PROCEDURES

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Duplicate of RIN 0596-AA94	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA95

227. SETTLEMENT OF DEFAULTED TIMBER SALE CONTRACTS

Significance: Agency Priority

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn - Not a rulemaking proceeding	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA96

228. MARKET-RELATED CONTRACT TERM ADDITIONS

Significance: Agency Priority

CFR Citation: 36 CFR 223, Subpart B

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 0596-AA33	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596–AA98

DEPARTMENT OF AGRICULTURE (USDA)

Packers and Stockyards Administration (P&SA)

Final Rule Stage

229. ANNUAL REPORTS

Significance: Agency Priority

Legal Authority: PL 100-173; 7 USC 228

CFR Citation: 9 CFR 201.97

Legal Deadline: None

Abstract: The law provides for a live poultry dealer trust for the benefit of all unpaid cash sellers or poultry growers and requires prompt payment for the sale or delivery of poultry. Administrative enforcement authority is provided for the poultry trust and prompt payment provisions. Amendment to present regulations will be required to implement the new provisions of the law.

Timetable:

Action	Date	FR Cite
NPRM	07/11/88	53 FR 26082
NPRM Comment Period End	09/09/88	
NPRM Comment Period Extended	11/08/88	53 FR 32624
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Calvin W. Watkins, Deputy Administrator, Department of Agriculture, Packers and Stockyards Administration, Room 3039, South Building, Washington, DC 20250-2800, 202 447-7063

RIN: 0590–AA04

DEPARTMENT OF AGRICULTURE (USDA)
Packers and Stockyards Administration (P&SA)

Completed Actions

230. SCALES; ACCURATE WEIGHTS, REPAIRS, ADJUSTMENTS OR REPLACEMENTS AFTER INSPECTION

Significance: Agency Priority

CFR Citation: 9 CFR 201.71(a)

Completed:

Reason	Date	FR Cite
Final Action	02/01/89	54 FR 5073
Final Action Effective	03/03/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Calvin W. Watkins 202 447-7063

RIN: 0590–AA05

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Prerule Stage

231. ● ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1718

Legal Deadline: None

Abstract: To codify the policy and procedures currently set forth in REA Bulletin 181-1, Uniform System of Accounts Prescribed for Electric Borrowers of the Rural Electrification Administration and REA Bulletin 181-3, Accounting Interpretation for REA Electric Borrowers. In addition to codifying, revisions are being proposed to the existing policy that will update REA's accounting guidelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA23

232. ● PROCEDURES FOR SECURING RURAL ELECTRIFICATION ADMINISTRATION APPROVAL OF CONSOLIDATING/MERGER ELECTRIC BORROWERS

Significance: Agency Priority

Legal Authority: PL 100-203

CFR Citation: 7 CFR 1710.95 to 1710.99

Legal Deadline: None

Abstract: The proposed rule will codify REA policy currently found in REA Bulletin 115-2, Merger and Consolidation of Electric Distribution Borrowers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA25

233. ● FINANCIAL FORECAST - ELECTRIC DISTRIBUTION BORROWERS

Significance: Agency Priority

Legal Authority: PL 100-203

CFR Citation: 7 CFR 1716

Legal Deadline: None

Abstract: The proposed rule will codify REA policy relating to financial forecasting currently found in REA Bulletin 105-5, Financial Forecast - Electric Distribution Systems.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA26

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Proposed Rule Stage

234. ● LOAN ACCOUNT COMPUTATIONS, PROCEDURES AND POLICIES

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1785.64 to 1785.65

Legal Deadline: None

Abstract: These additional sections to 7 CFR Part 1785 allow RTB borrowers to earn interest equal to the lesser of: (1) the rate the RTB would be required to pay the United States Treasury on new borrowings, or (2) the RTB's composite rate on borrowings from the United States Treasury.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

USDA—REA Proposed Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA19

235. ● LIST OF STANDARD FORMS OF TELECOMMUNICATIONS CONTRACTS

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1762.1

Legal Deadline: None

Abstract: The purpose of revising 7 CFR Part 1762 is to announce a general revision of REA Contract Form 525, Central Office Equipment Contract (Including Installation).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA20

236. ● TELEPHONE SYSTEM CONSTRUCTION CONTRACT

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1762

Legal Deadline: None

Abstract: The purpose of revising 7 CFR Part 1762 is to announce a general revision of REA Contract Form 515, Telephone System Construction Contract, Labor and Materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA21

237. ● PREPAYMENT OF REA GUARANTEED FEDERAL FINANCING BANK LOANS

Significance: Agency Priority

Legal Authority: 7 USC 901 to 950b; PL 99-509; PL 100-202; PL 100-460

CFR Citation: 7 CFR 1786

Legal Deadline: None

Abstract: The revised part will establish policies and procedures to implement the provisions of the RE Act, PL 100-202, and PL 100-460.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA29

238. ● LOAN SECURITY DOCUMENTS - TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1758

Legal Deadline: None

Abstract: This new part provides information on the loan security documents borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA30

239. ● TELEPHONE MATERIALS, EQUIPMENT, AND CONSTRUCTION - TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1765

Legal Deadline: None

Abstract: The primary objectives of the addition of Subparts E, G, and H to Part 1765 are to update, clarify, and simplify REA policies and procedures; to lessen the burden on borrowers involved in planning and construction of telecommunications facilities; and to decrease the processing time of related documents by REA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA31

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Final Rule Stage

240. ● CUSHION OF CREDIT ACCOUNT COMPUTATIONS AND PROCEDURES

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; PL 100-203

CFR Citation: 7 CFR 1785.66 to 1785.70

Legal Deadline: None

Abstract: This part provides that borrowers shall receive 5 percent per annum on all REA cushion of credit payments received or credited to their account by REA, after October 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/02/88	53 FR 48651
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA22

241. ● GENERAL POLICIES, TYPES OF LOANS, LOAN REQUIREMENTS - TELEPHONE PROGRAM PRELOAN PROCEDURES AND REQUIREMENTS - TELEPHONE PROGRAM

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1745; 7 CFR 1749

Legal Deadline: None

Abstract: These new parts contain the provisions and requirements of the Rural Electrification Act, as amended, and the administrative policies, requirements, and procedures of the REA telephone program for first time applicants and existing borrowers seeking financial assistance from REA to furnish and improve telephone service in rural areas.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32235
NPRM Comment Period End	09/23/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA28

242. ● ADVANCE AND DISBURSEMENT OF FUNDS; TELEPHONE

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1754

Legal Deadline: None

Abstract: This new part sets forth the provisions and requirements of the RE Act and the administrative policies, requirements, and procedures for the advance and disbursement of REA telephone loan and other funds to and from the REA Construction Fund.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31877
NPRM Comment Period End	09/21/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA32

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Completed Actions

243. ● ELECTRIC LOAN POLICIES & APPLICATION PROCEDURES

Significance: Agency Priority

Legal Authority: 7 USC 901 to 950b

CFR Citation: 7 CFR 1710

Legal Deadline: None

Abstract: The new part develops electric loan policies and application procedures. The sections establish a simplified alternate loan application procedure for distribution borrowers meeting specified financial, operational and managerial criteria.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15228
NPRM Comment Period End	06/27/88	
Final Action	10/18/88	53 FR 40718
Final Action Effective	10/18/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA24

244. ● RURAL DEVELOPMENT

Significance: Agency Priority

Legal Authority: 7 USC 901 et seq; PL 100-203

CFR Citation: 7 CFR 1709

Legal Deadline: None

Abstract: The program provides zero interest loans and grants to RE Act borrowers for the purpose of promoting rural economic development and job creation projects.

USDA—REA **Completed Actions**

Timetable:

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11511
ANPRM Comment Period End	05/09/88	
NPRM	10/27/88	53 FR 43442
NPRM Comment Period End	12/28/88	53 FR 44594
Final Action	02/15/89	54 FR 6667
Final Action Effective	02/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Blaine D. Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, 14th & Independence Ave., SW., Rm. 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572–AA27

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Soil Conservation Service (SCS)

245. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: 26 Stat. 653, Sec 6; Reorg. No. IV of 1940

CFR Citation: 7 CFR 612.1 to 612.7

Legal Deadline: None

Abstract: Sets forth policy and procedures for the administration of a cooperative snow survey and water supply forecast program, including the steps involved in carrying out the program. Sets out data collected and forecasts made, and eligible users of the data. (SCS 83-005)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA01

246. RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; PL 91-646

CFR Citation: 7 CFR 652

Legal Deadline: None

Abstract: Prescribes the policies and procedures for the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) pertaining to the treatment of persons displaced from their homes, businesses, or farms because of Federal financially assisted projects. (SCS 85-001)

Timetable:

Action	Date	FR Cite
End Review	01/31/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA12

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Soil Conservation Service (SCS)

247. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1896; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Legal Deadline: None

Abstract: Prescribes the policy on soil survey operations including cooperative relationships with State agencies, standards, guidelines and plans on survey operations, distribution of soil survey information, and cartographic operations services furnished. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	12/31/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578–AA00

248. FARMLAND PROTECTION POLICY ACT

Significance: Agency Priority

Legal Authority: 7 USC 4201

CFR Citation: 7 CFR 658

Legal Deadline: None

Abstract: The United States Department of Agriculture amends its rule for implementing the Farmland Protection Policy Act to require progress reports, enable governors to bring action to enforce the requirements of the Act, include a section omitted by clerical error, revise how Federal agencies apply the Act, and revise the definition of farmland. These amendments are necessary in order to comply with amendments to the Farmland Protection Policy Act (FPPA)

USDA—SCS **Final Rule Stage**

made by Title XII of the Food Security Act of 1985, PL 99-198, December 23, 1985, and to clarify several provisions of the existing rule. This rule will revise Part 658 of Title 7 of the Code of Federal Regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/15/89	
Final Action Effective	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Sectors Affected: None

Agency Contact: Wayne F. Maresch, Director, Administrative Services Division, Department of Agriculture, Soil Conservation Service, PO Box 2890, Washington, DC 20013, 202 447-4811

RIN: 0578–AA14

DEPARTMENT OF AGRICULTURE (USDA)

Office of Operations (OO) **Proposed Rule Stage**

249. ● AGRICULTURE ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 401 to 453, (Revision)

Legal Deadline: None

Abstract: This rule makes miscellaneous changes to the Department of Agriculture Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Don F. Manns, Chief, Procurement Division, Department of Agriculture, Office of Operations, Procurement Division, 1550-South, Washington, DC 20250, 202 447-3037

RIN: 0599–AA00

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Monday
April 24, 1989

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, III, IV, VIII, IX

19 CFR Ch. III

37 CFR Chs. I, IV

48 CFR Ch. 13

50 CFR Chs. II, VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: April 1989 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce in April and October of each year publishes in the **Federal Register** an agenda of the rulemaking actions covered by section 1 of E.O. 12291 that the Department plans to conduct or review over the next twelve months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the October 1988 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's April 1989 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 1989 through March 31, 1990.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230, Telephone: (202) 377-8843.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed E.O. 12291. The E.O. requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration pursuant to this Order. Office of Management and Budget (OMB) Bulletin No. 89-02 issued November 4, 1988 establishes guidelines and procedures for the preparation and publication of the April 1989 Unified Agenda of Federal Regulations for all Federal departments and agencies. E.O. 12291 and the OMB Bulletin require that each agenda report the following information on non-exempt regulatory activities being conducted or planned to be conducted by the agency during the twelve-month period succeeding publication: The title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the action is expected to have a significant economic impact on a substantial number of small entities and whether it will affect levels of government; the section(s) of the Code of Federal Regulations which will affect or be affected by the action; the section of the United States Code, Public Law or Executive Order that authorizes the action; an indication of whether or not the entry is a significant regulatory action included in the Administration's Regulatory Program and if the agency considers it a priority action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; legal deadline, if any; and a timetable of dates and, if available, **Federal Register** citations for past stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis where there is a positive finding that a rule will have a significant economic impact on a substantial number of small entities. E.O. 12291 requires agencies to prepare a regulatory impact analysis for any regulation considered to be a "major rule" as defined in the Order.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the Economic Development Administration, the Bureau of Export Administration, the International Trade Administration, the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Patent and Trademark Office issue the greatest share of the Department's regulations.

Because amendments to the Export Administration Regulations are not subject to the Regulatory Flexibility Act by virtue of 50 U.S.C. app. 2412(a), they were not required to be described in the agenda prior to the issuance of E.O. 12661 on December 27, 1988. Because of time limitations and the rulemaking requirements of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, it was not feasible to include rules amending the Export Administration Regulations within this agenda. They will appear in the next agenda to be published in October 1989.

A large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by NIST under Pub. L. 100-235. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NIST works closely with private industry standard-setting organizations.

Another large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance

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of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. These FMPs regulate domestic and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishing management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs, or amendments to FMPs, for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

The DOC April 1989 regulatory agenda follows.

Michael A. Levitt,

Acting General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
250	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
251	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13
252	Program Fraud Civil Remedies	0690-AA14

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
253	Benchmark Survey of U.S. Direct Investment Abroad - 1989	0691-AA15

Bureau of Economic Analysis—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
254	Change in Reporting Requirements of the BE-15, Annual Survey of Foreign Direct Investment in the United States	0691-AA14

Bureau of Economic Analysis—Completed Actions

Sequence Number	Title	Regulation Identifier Number
255	Implementation of Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons	0691-AA10
256	Change in Exemption for Foreign Ocean Carriers' Expenses Survey Conducted by BEA -- Annual Report Form BE-29	0691-AA13

Bureau of the Census—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
257	Foreign Trade Statistics Regulations	0607-AA10

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Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
258	General Requirements for Financial Assistance -- Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
259	Economic Development Administration: Property Management Standards	0610-AA07
260	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
261	Overall Economic Development Program Public Works and Development Facilities Program	0610-AA19
262	Sale of Loans and Loan Guarantees to the Private Sector	0610-AA31
263	General Requirements for Financial Assistance -- Nonrelocation	0610-AA32
264	Protection of EDA's Interest in Facilities Acquired, Built, or Improved with EDA Grant Funds	0610-AA35
265	Liability for Hazardous Substances Associated with EDA Loans and Loan Guarantees	0610-AA36
266	Adjustment Grants - Revolving Loan Funds	0610-AA37
267	Economic Development Districts, District Organization; Civil Rights Requirements	0610-AA38
268	Area Designation - Special Impact Areas	0610-AA39
269	Public Works - Industrial Parks and Sites	0610-AA40

Economic Development Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
270	Property Management Standards -- Mortgages	0610-AA12
271	Designation of Areas; Designation of PWIP Areas	0610-AA21
272	General Requirements for Financial Assistance; Unfair Competition	0610-AA22
273	General Requirements for Financial Assistance - Project Modification	0610-AA33

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
274	Nonprocurement Debarment and Suspension	0605-AA02

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
275	Uniform Administrative Requirements for Grants to Governments and Nongovernmental Entities	0605-AA04
276	Nonprocurement Debarment and Suspension and Government Requirements for Drug-Free Workplace (Grants)	0605-AA05

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
277	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
278	Antidumping Duties	0625-AA29
279	Allocation of Apparel Tariff-Rate Quota Under the U.S.-Canada Free Trade Agreement	0625-AA30
280	Countervailing Duties	0625-AA31
281	Antidumping Duties; Countervailing Duties	0625-AA32

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International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
282	Adjustment Assistance for Firms and Industries	0625-AA05
283	Procedures and Rules for Implementing Article 1904 of the United States-Canada Free-Trade Agreement	0625-AA33

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
284	Antidumping Duties; Countervailing Duties	0625-AA08
285	Sanctions for Violation of Antidumping and Countervailing Duty Protective Orders	0625-AA24
286	Annual Watch Quota Allocations	0625-AA25
287	Antidumping and Countervailing Duties; Modifications	0625-AA26

Bureau of Export Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
288	Defense Priorities and Allocations System (DPAS)	0694-AA02

Bureau of Export Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
289	Revisions to Short Supply Regulations	0694-AA01

National Institute of Standards & Technology—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
290	FIPS for C Programming Language	0693-AA48
291	Revision of FIPS 151, POSIX: Portable Operating System Interface for Computer Environments	0693-AA49
292	FIPS for Recorded Formats for One- and Two-Sided 5.25 Inch (130 mm) and 3.5 Inch (90 mm) Flexible Disk Cartridges	0693-AA54
293	FIPS for Recorded Magnetic Tape and Cartridge for Information Interchange; 18 track, Parallel, 12.65 mm (1/2 in), 1491 cpmm (37871 cpi) Group-Coded Recording	0693-AA55
294	Revisions to FIPS 60, 61, 62, 63, 97, and 111, Computer System Input/Output (I/O) Interface Standards	0693-AA59
295	FIPS for Electronic Business Data Exchange	0693-AA62
296	Extensions to FIPS 127, Database Language SQL	0693-AA63
297	FIPS for Applications Portability Profile	0693-AA65
298	FIPS for Document Application Profile (DAP) for the Office Document Architecture (ODA) and Interchange Format Standard	0693-AA67
299	Revision of FIPS 140, General Security Requirements for Equipment Using the Data Encryption Standard	0693-AA68
300	Revision of FIPS 146, Government Open Systems Interconnection Profile (GOSIP)	0693-AA69
301	FIPS for POSIX Shell and Tools	0693-AA70
302	FIPS for POSIX System Administration	0693-AA71
303	FIPS for X Window System	0693-AA72
304	FIPS for Digital Cartographic Data	0693-AA73

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National Institute of Standards & Technology—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
305	FIPS for Information Resource Dictionary System (IRDS)	0693-AA38
306	Revision to FIPS 100, Interface Between Data Terminal Equipment (DTE) and Data Circuit-Terminating Equipment (DCE) for Operation with Packet-Switched Data Communications Networks	0693-AA39
307	FIPS for Conformance Testing Policy and Procedures	0693-AA66

National Institute of Standards & Technology—Completed Actions

Sequence Number	Title	Regulation Identifier Number
308	FIPS PUB 152, Standard Generalized Markup Language (SGML)	0693-AA50
309	FIPS for Recorded Magnetic Tape Cartridge for Information Interchange; 4-Track, Serial, 0.250 in (6.30 mm), 6400 bpi (252 bpmm) Inverted Modified Frequency Modulation Encoded	0693-AA51
310	FIPS for Serial Recorded Magnetic Tape Cartridge for Information Interchange; Four and Five Track, 0.250 in (6.30 mm) 8000 bpi (315 bpmm) Streaming Mode Group Code Recording	0693-AA52
311	FIPS for One-Half Inch Magnetic Tape Interchange Using a Self Loading Cartridge	0693-AA53
312	FIPS for Device Level Interface for Streaming Cartridge and Cassette Tape Drives	0693-AA57
313	FIPS PUB 153, Programmer's Hierarchical Interactive Graphics System (PHIGS)	0693-AA64

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
314	Marine Fishery User Fees	0648-AB87
315	Amendment 1 Gulf of Mexico Reef Fish Fishery Management Plan	0648-AC16
316	Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan	0648-AC43
317	Bluefish Fishery Management Plan	0648-AC51
318	Amendment 3 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AC79
319	Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
320	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom etc	0648-AA46
321	Moratorium on Striped Bass in Exclusive Economic Zone Off North East Atlantic Coast	0648-AB25
322	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
323	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery Off Alaska; Regulatory Amendment	0648-AB51
324	Amendment 1 to the Swordfish FMP	0648-AB92
325	Amendment 3 to the High Seas Salmon Fishery Off the Coast of Alaska East of 175 E. Longitude	0648-AC00
326	Amendment 3 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AC15
327	Amendment 8 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries	0648-AC19
328	Implementation of Conditionally Approved Measures Under Amendment 1 to the Spiny and Slipper Lobster FMP in the Gulf of Mexico and South Atlantic - Permits and Bag Limits	0648-AC25
329	Amendment 3 to the American Lobster Fishery Management Plan	0648-AC28
330	Amendment 2 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic	0648-AC29
331	Fishery Management Plan for King and Tanner Crab in the Bering Sea and Aleutian Islands	0648-AC34
332	Reporting Requirements Governing Salmon Taken Off Alaska and Delivered or Landed Outside Alaska	0648-AC39
333	Atlantic Tuna Fisheries - Regulatory Amendment	0648-AC40
334	Regulatory Amendment to the Fishery Management Plan for the Atlantic Swordfish Fishery	0648-AC41
335	Amendment 3 to the Fishery Management Plan for Atlantic Sea Scallops	0648-AC44
336	Policy to Require Observers to be Carried on Domestic Fishing Vessels	0648-AC45
337	Amendment 4 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources	0648-AC55

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National Oceanic and Atmospheric Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
338	Fishery Management Plan for the High Seas Salmon Fishery Off the Coast of Alaska East of 175 East Longitude - Regulatory Amendment	0648-AC57
339	Scientific Research - Domestic and Foreign Fishing	0648-AC61
340	Interim Exemption Governing the Incidental Taking of Marine Mammals During Commercial Fishing Operations	0648-AC65
341	Regulation to Control Illegal Fishing in the Exclusive Economic Zone (EEZ) and Overfishing Outside the EEZ	0648-AC66
342	Regulatory Amendment to the Groundfish of the Bering Sea/ Aleutian Islands Area and Groundfish of the Gulf of Alaska Fishery Management Plans - Definition of Fishery	0648-AC68
343	Regulations Governing the Taking of Small Numbers of Marine Mammals Incidentally to Oil & Gas Exploration in the Beaufort and Chukchi Seas	0648-AC69
344	Foreign Fishing Poundage and Permit Fees, 1990	0648-AC70
345	Interim Fishing Vessel Capital Construction Fund Procedures	0648-AC71
346	Amendment 18 to the FMP for Groundfish of the Gulf of Alaska and Amendment 13 to the FMP for Groundfish of the Bering Sea/ Aleutian Islands - Limited Access for Sablefish Longline Fishery	0648-AC72
347	Amendment 12a to the Groundfish of the Bering Sea and Aleutian Islands Area FMP - Incidental Catch Limits of Crabs and Halibut	0648-AC74
348	Resubmitted Part of Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC75
349	Amendment 5 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC76
350	Amendment 5 to the Fishery Management Plan for Coastal Migratory Pelagic Resources	0648-AC77
351	Amendment 19 to the FMP for Groundfish of the Gulf of Alaska and Amendment 14 to the FMP for Groundfish of the Bering Sea and Aleutian Islands	0648-AC80
352	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
353	Fagatele Bay National Marine Sanctuary	0648-AA74
354	Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
355	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
356	Rulemaking to Implement 1985 Reauthorization of the Coastal Zone Management Act (CZMA)	0648-AC02
357	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
358	Proposed Regulations for the Point Reyes-Farallon Islands National Marine Sanctuary	0648-AC05
359	Proposed Regulations for the National Marine Sanctuary Program	0648-AC53
360	Proposed Regulations for the Monterey Bay National Marine Sanctuary	0648-AC63
361	The Monitor National Marine Sanctuary	0648-AC78
362	National Sea Grant Program Funding Regulations	0648-AC54
363	Licensing of Private Remote Sensing Space Systems	0648-AC64

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
364	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
365	U.S. General Standards for Grades of Shrimp	0648-AA47
366	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
367	Endangered Fish and Wildlife; Approaching Humpback Whales in Hawaiian Waters	0648-AB79
368	Safety of United States Observers Aboard Foreign Fishing Vessels	0648-AB94
369	U.S. Standards for Grades of Fish Fillets	0648-AC12
370	Fish and Seafood Promotion	0648-AC27
371	Amendment 12 to the FMP for Groundfish of the Bering Sea and Aleutian Islands Area	0648-AC32
372	Amendment 17 to the FMP for Groundfish of the Gulf of Alaska	0648-AC42
373	Amendment 9 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California	0648-AC49
374	Regulatory Amendment to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico - The Tortugas Sanctuary	0648-AC56
375	Regulatory Amendment To Clarify Trip Limit Regulations for the Pacific Coast Groundfish and Salmon Fisheries	0648-AC59
376	Guidelines for Fishery Management Plans (Implementation of PL 99-659 - The Conservation Standard)	0648-AC62
377	Regulatory Amendment for Interaction Between Summer Flounder Fishery and Endangered Species	0648-AC67
378	Fishermen's Protective Act	0648-AC73
379	Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
380	Proposed Regulations for the National Estuarine Reserve Research Program	0648-AB68

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National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
381	Implementation of PL 99-659 and Other Recommendations To Improve the Fishery Management System - Council Operations	0648-AB09
382	Foreign Fishing - Scientific Research	0648-AB23
383	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
384	Resubmitted Portion of Amendment 1 to the American Lobster Fishery Management Plan	0648-AB89
385	Marine Fishery User Fees	0648-AB93
386	Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AC17
387	Fishery Management Plan for Atlantic Billfishes	0648-AC24
388	Amendment 2 to the Northeast Multispecies Fishery Management Plan	0648-AC26
389	Foreign Fishing Poundage and Permit Fees, 1989	0648-AC30
390	Regulatory Amendment to Require Reporting of Pacific Coast Groundfish Landing to States	0648-AC31
391	Regulatory Amendment to Designate Special Fishing Areas in the Snapper-Grouper Fishery of the South Atlantic	0648-AC48
392	Amendment 1 to the Fishery Management Plan for the Snapper- Grouper Fishery of the South Atlantic	0648-AC50
393	Amendment 3 to the Fishery Management Plan for the Red Drum Fishery of the Gulf of Mexico	0648-AC58
394	Regulatory Amendment To Institute a Certification Program for the Importation of Whole Undersized Atlantic Groundfish	0648-AC60
395	Proposed Regulations for the National Marine Sanctuary Program	0648-AA31
396	Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
397	Foreign Filing License Requirements	0651-AA09
398	Duty of Disclosure - Information Disclosure Statement	0651-AA27
399	Miscellaneous Changes in Patent Practice	0651-AA34
400	Amendments of Patent and Trademark Rules Concerning Judicial Review of Decisions	0651-AA35
401	Amendments of Trademark Rules Governing Inter Partes Proceedings; Miscellaneous Amendments of Other Trademark Rules	0651-AA36
402	Requirements for Patent Applications Containing DNA/RNA and Protein Sequence Disclosures	0651-AA37
403	Amendments of the Trademark Rules to Implement the Trademark Law Revision Act and the "Crocker" Decision and Miscellaneous Trademark Rule Amendments	0651-AA38
404	Patent and Trademark Automated Search System Fees	0651-AA40
405	Patent Term Extension for Animal Drug Products	0651-AA42

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
406	Variety Denomination Requirements for Plant Patent Applications	0651-AA12
407	Deposit of Biological Materials for Patent Purposes	0651-AA13
408	Requests for Reconsideration in Patent and Trademark Office Disciplinary Proceedings	0651-AA33
409	Exhaustion of Administrative Remedies in Patent and Trademark Office Disciplinary Proceedings	0651-AA41

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
410	Requests for Identifiable Records	0651-AA04
411	Trademark Automated Search System Fees	0651-AA18
412	Trademark Applications Pursuant to 15 USC 1126	0651-AA23
413	Revision of Patent Fees	0651-AA30
414	Practice Before the Patent and Trademark Office	0651-AA31

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Patent and Trademark Office—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
415	Miscellaneous Changes in Patent Practice	0651-AA32

Technology Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
416	Administration of a Uniform Patent Policy with Respect to Domestic Rights in Inventions Made by Government Employees	0692-AA05
417	Metric Conversion Policy for Federal Agencies	0692-AA07

Technology Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
418	Licensing of Government-Owned Inventions	0692-AA04

United States Travel and Tourism Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
419	Travel Promotion Fee	0644-AA00

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

Office of the Secretary (OS)

250. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned Departmentwide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Department of Commerce, Office of the Secretary, Office of Procurement and Administrative Ser, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-5750

RIN: 0690-AA08

251. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251 et seq

CFR Citation: 48 CFR 1 to 53

Legal Deadline: None

Abstract: The Department of Commerce has no formal uniform source evaluation procedures applicable to its procurement activities. Standardization of source evaluation procedures will alleviate potential inconsistencies among procurement professionals as well as potential Department

DOC—OS **Proposed Rule Stage**

contractors relative to evaluation of proposals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joyce A. Cavallini, Director of Procurement Management, Department of Commerce, Office of the Secretary, Office of Procurement and Administrative Ser, 14th Street and Constitution Ave., NW, Washington, DC 20230, 202 377-5750

RIN: 0690–AA13

252. PROGRAM FRAUD CIVIL REMEDIES

Legal Authority: 31 USC 3809

CFR Citation: 15 CFR 25

Legal Deadline: None

Abstract: This rule, if promulgated, would implement the Program Fraud Civil Remedies Act of 1986 which authorizes the Department of Commerce (and certain other Federal agencies) to impose through administrative adjudication civil penalties and assessments against persons making false claims or statements to it.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry Walz, Chief, Contract Law Division, Room 5893, Department of Commerce, Office of the Secretary, Washington, DC 20230, 202 377-1122

RIN: 0690–AA14

DEPARTMENT OF COMMERCE (DOC) — Proposed Rule Stage
Bureau of Economic Analysis (BEA)

253. ● BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD - 1989

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Serv Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will replace the existing rule 15 CFR 806.16 with a new rule to provide for the conduct of the BE-10, Benchmark Survey of U.S. Direct Investment Abroad--1989, as required by the International Investment and Trade in Services Survey Act, 22 USC 3101 to 3108 (see especially Sec. 4(b) of the Act). The existing rule covers a similar survey for 1982, which has been completed and which the 1989 survey will update.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
NPRM Comment Period End	11/00/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA15

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage
Bureau of Economic Analysis (BEA)

254. CHANGE IN REPORTING REQUIREMENTS OF THE BE-15, ANNUAL SURVEY OF FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action institutes a short form in the BE-15, Annual Survey of Foreign Direct Investment in the United States, for reporting by U.S. affiliates with assets, sales, or net income greater than the $10 million exemption level but with no one of the three items greater than $20 million. In its notice of proposed rulemaking of September 20, 1988, BEA proposed raising the BE-15 exemption level from $10 to $20 million. After careful consideration of public comments received, however, BEA decided to leave the exemption level at $10 million to maintain the quality of the data in those few country, industry, and State cells in which small investments account for a significant share of the total. The short form is instituted is an effort to keep the reporting burden to a minimum.

Timetable:

Action	Date	FR Cite
NPRM	09/20/88	53 FR 36468
NPRM Comment Period End	11/21/88	
Final Action	03/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, 202 523-0659

RIN: 0691–AA14

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed Actions

255. IMPLEMENTATION OF ANNUAL SURVEY OF SELECTED SERVICES TRANSACTIONS WITH UNAFFILIATED FOREIGN PERSONS

Significance: Agency Priority

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 801

Legal Deadline: None

Abstract: This action will amend 15 CFR 801 by adding rules to implement a new annual follow-on survey to the BE-20 Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons--1986. The criteria for determining who must report are the same on the proposed BE-22 as on the BE-20. The BE-22 will cover the same type of services as the BE-20, but will collect significantly less detail for several types, namely sales of advertising, computer and data processing, and data base and other information services, and both sales and purchases of telecommunications services. Data from the annual survey will be used to derive universe estimates of covered services transactions in nonbenchmark years, thus updating the data collected in the benchmark survey. The first year of coverage will be 1987; the survey will not be taken for a year covered by the benchmark survey.

Timetable:

Action	Date	FR Cite
NPRM	06/20/88	53 FR 23124
NPRM Comment Period End	08/04/88	53 FR 23124
Final Action	10/07/88	53 FR 39453
Final Action Effective	11/07/88	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $330,000; Yearly Recurring Cost: $330,000; Base Year for Dollar Estimates: 1988

Agency Contact: Betty L. Barker, Chief, International Investment Div., Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 607, Tower Building, Washington, DC 20230, **202 523-0659**

RIN: 0691–AA10

256. CHANGE IN EXEMPTION FOR FOREIGN OCEAN CARRIERS' EXPENSES SURVEY CONDUCTED BY BEA -- ANNUAL REPORT FORM BE-29

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806

Legal Deadline: None

Abstract: This action will change the exemption for annual report Form BE-29 (Foreign Ocean Carriers' Expenses in the United States). An exemption based on number of calls by foreign carriers will be added and the exemption level based on the value of reportable transactions will be lowered. The change will more accurately identify persons with significant reportable transactions. This action will also place a limit on the number of reports required for certain kinds of carriers. As a result of this action, the number of reporters and number of reports filed by respondents will be reduced, thereby reducing both reporting and processing burdens.

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 26603
NPRM Comment Period End	08/29/88	53 FR 26603
Final Action	10/24/88	53 FR 41562
Final Action Effective	11/23/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony J. DiLullo, Assistant Chief, Department of Commerce, Bureau of Economic Analysis, Balance of Payments Division, Washington, DC 20230, **202 523-0621**

RIN: 0691–AA13

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Proposed Rule Stage

257. FOREIGN TRADE STATISTICS REGULATIONS

Significance: Regulatory Program

Legal Authority: 13 USC 301 to 307

CFR Citation: 15 CFR 30.1 to 30.92

Legal Deadline: None
Deadline is contingent upon legislation not yet passed.

Abstract: Review of 15 CFR 30 for changes to conform with the new statistical classification (harmonized) system for imports and exports. This review will combine elements of housekeeping changes, updating obsolete information, clarification, bringing the system into line with harmonization (including metric measurements) and conformance of reporting with current practices. There should be no added burden or cost placed on the public because no additional information is required, nor new reporting requirements.

The benefits of these changes will be: allowing direct comparisons between U.S. imports and exports, enabling comparisons between trade balances of the U.S. and of our major trading partners.

With the passage of the Omnibus Trade and Competitiveness Act of 1988 there is no alternative to making these changes in order to conform to the legislation.

Additionally, Section 30.24 will be revised to be consistent with Customs Regulations by eliminating the "four-day rule" regarding submission of "Shipper Export Declarations."

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	
Interim Final Rule	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: All

Agency Contact: Don L. Adams, Chief, Foreign Trade Division, Department of

DOC—CENSUS **Proposed Rule Stage**

Commerce, Bureau of the Census,
Washington, DC 20233, **301 763-5342**

RIN: 0607–AA10

DEPARTMENT OF COMMERCE (DOC) **Final Rule Stage**
Economic Development Administration (EDA)

258. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Legal Deadline: None

Abstract: Existing regulations will be amended if necessary to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, **202 377-5441**

RIN: 0610–AA05

259. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds are being revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. As revised the change will clarify present requirements for property determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, **202 377-5441**

RIN: 0610–AA07

260. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: This rule amends EDA's general requirements regulation -- employment of expediters or administrative employees -- concerning EDA positions involving discretion, to conform to the reorganization of EDA pursuant to Department of Commerce Organization Order 45-1. Old positions which are no longer in existence are deleted. New comparable positions are listed in the amended regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/20/85	50 FR 97
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. & Const. Ave., NW, Washington, DC 20230, **202 377-5441**

RIN: 0610–AA18

261. OVERALL ECONOMIC DEVELOPMENT PROGRAM PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302; 13 CFR 304; 13 CFR 305

Legal Deadline: None

Abstract: This rule amends EDA's rules by updating provisions concerning Public Works Impact Areas and Special Impact Areas, specifically as to Designation Requirements; Overall Economic Development Program Requirements; and Supplementary Grant Rates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/07/86	51 FR 24512
Final Action	04/00/89	
Final Action Effective	04/00/89	

DOC—EDA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Walter Archibald**, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th & Constitution Avenue NW, Room 7215, Washington, DC 20230, **202 377-2710**

RIN: 0610–AA19

262. SALE OF LOANS AND LOAN GUARANTEES TO THE PRIVATE SECTOR

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA seeks to repeal the limitation in the Commerce Appropriation Act ("McDade Amendment") whereby funds cannot be used to sell any loan to private interests, except with the consent of the borrower.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Joseph Levine**, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610–AA31

263. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE -- NONRELOCATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.3

Legal Deadline: None

Abstract: This rule will amend EDA's nonrelocation rule by changing the rate of interest to be charged when failure to abide by the nonrelocation rule results in termination of financial assistance provided by EDA. Interest will be at the rate used in Federal debt collection and discount evaluation under the Debt Collection Act. The rule will also state that the 48 month period for compliance by covered grantees is retroactive if the violation occurs after September 15, 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/10/87	52 FR 21932
Final Action	06/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Joseph Levine**, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610–AA32

264. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Legal Deadline: None

Abstract: EDA intends to initiate regulatory action to protect its interests by enabling EDA to expend funds to care for property acquired by virtue of its lien interest in property purchased or improved with EDA grant funds, including liquidation, litigation, or any other necessary action. The proposed regulatory action is contingent upon legislation being enacted which authorizes EDA to expend funds and take other actions to protect its ownership rights in property purchased or improved with EDA grant funds.

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	
Final Action Effective	06/00/89	
Proposed Legislation	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Joseph Levine**, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610–AA35

265. LIABILITY FOR HAZARDOUS SUBSTANCES ASSOCIATED WITH EDA LOANS AND LOAN GUARANTEES

Significance: Regulatory Program

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR Chapter III

Legal Deadline: None

Abstract: EDA will undertake some action to enable it to minimize financial losses resulting from hazardous substances on property it has acquired as a result of defaulted business loans and loan guarantees.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	06/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: **Joseph Levine**, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania & Constitution Avenues, NW, Washington, DC 20230, **202 377-4687**

RIN: 0610–AA36

DOC—EDA

Final Rule Stage

266. ADJUSTMENT GRANTS - REVOLVING LOAN FUNDS

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 308

Legal Deadline: None

Abstract: This would amend EDA's rule on adjustment grants to provide that revolving loan fund (RLF) grants are held in trust by the grantee as trustee for the benefit of borrowers and potential borrowers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/88	53 FR 12510
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Acting Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., Room 7001, 14th St. & Constitution Ave., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA37

267. ECONOMIC DEVELOPMENT DISTRICTS, DISTRICT ORGANIZATION; CIVIL RIGHTS REQUIREMENTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 303; 13 CFR 311

Legal Deadline: None

Abstract: At the request of the Department of Justice, the Economic Development Administration (EDA) is revising our Civil Rights Regulations at 13 CFR 303 and 311. The specific changes involve minority representation on District Boards funded by EDA and Affirmative Action requirements, as well as a few minor changes in terminology.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/89	
Final Action	07/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert Hoover Bldg., 14th St. Between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA38

268. AREA DESIGNATION - SPECIAL IMPACT AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: EDA is deleting its 12-month annual average unemployment rate based upon the calendar year, for Special Impact Area (SIA) designation. Under the current calendar year qualifier, it would be possible that an area's qualifying calendar 1987 average rate could be used in support of its SIA designation as late as February 1989 regardless of a subsequently available, non-qualifying 12-month (non-calendar) rate. This could happen since 1988 calendar year average rates for areas will not be computed by state employment security agencies until February 1989, and EDA will not receive such data until March 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/14/88	53 FR 50206
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA39

269. PUBLIC WORKS - INDUSTRIAL PARKS AND SITES

Legal Authority: 42 USC 3211; Department of Commerce - Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Legal Deadline: None

Abstract: The requirement for a property value agreement from the owner of a private industrial park or site will be less restrictive, so that such an agreement will only be required where there is an apparent or actual incidence of the private owner's failure to deal at arm's length, or if the Assistant Secretary chooses for any other reason to impose the requirements for such an Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	06/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph M. Levine, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Aves., NW, Washington, DC 20230, 202 377-4687

RIN: 0610–AA40

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Completed Actions

270. PROPERTY MANAGEMENT STANDARDS -- MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Legal Deadline: None

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Final Action Effective	05/30/84	49 FR 22463
Final Action	12/21/88	53 FR 51237

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7001, Washington, DC 20230, 202 377-5441

RIN: 0610–AA12

271. DESIGNATION OF AREAS; DESIGNATION OF PWIP AREAS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 302

Legal Deadline: None

Abstract: 13 CFR 302 at Section 302.7 entitled "Designation of Public Works Impact Program Areas" is amended at paragraph (a)(4) to delete reference to submission of an Overall Economic Development Program (OEDP) since under EDA's authorizing legislation, Public Works Impact Program (PWIP) projects need not meet OEDP requirements; and to add that although there are no boundary constraints for PWIPs under the Act, program considerations dictate that for an area to be given PWIP designation, it must be capable of analysis in light of available data establishing eligibility for designation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/86	51 FR 24302
Final Action Effective	07/03/86	51 FR 24302
Final Action	12/04/88	53 FR 50206

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA21

272. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE; UNFAIR COMPETITION

Legal Authority: 42 USC 3211; Dept. of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309

Legal Deadline: None

Abstract: 13 CFR 309 at Sec 309.2 entitled "Unfair Competition" has been amended to change conditions under which EDA will conduct a study (verification and evaluation) called a "702 Study" of the capacity and demand for particular goods, materials, commodities, services or facilities. The amendment will narrow the unfair competition requirements for a "702 Study" by raising the threshold amount of projects from $10,000 to $25,000. Also, the unfair competition exceptions have been expanded to apply to all EDA financial assistance programs. Certain projects are exempt from "702 Study" requirements and the definition of retention of capacity and employment has been changed by deleting the word "existing."

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/02/86	51 FR 16292
Final Action Effective	05/02/86	51 FR 16292
Final Action	12/14/88	53 FR 50207

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Walter Archibald, Director, Office of Compliance Review, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th St. between Penn. and Const. Ave., NW, Room 7215, Washington, DC 20230, 202 377-2710

RIN: 0610–AA22

273. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - PROJECT MODIFICATION

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.26

Legal Deadline: None

Abstract: The purpose of this amendment is to conform the statement of EDA's policy on project modification to guidelines established by the General Accounting Office on change of scope, by putting into regulatory language, that which has been actual EDA practice. The rule change provides standards and states that EDA will not allow project modification which would constitute a change of scope.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/20/87	51 FR 37175
Final Action Effective	10/20/87	51 FR 37175
Final Action	12/21/88	53 FR 51236

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: Joseph Levine, Chief Counsel, Department of Commerce, Economic Development Administration, 14th Street between Pennsylvania &

DOC—EDA

Completed Actions

Constitution Avenues, NW,
Washington, DC 20230, 202 377-4687

RIN: 0610–AA33

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Proposed Rule Stage

274. ● NONPROCUREMENT DEBARMENT AND SUSPENSION

Legal Authority: EO 12549, Debarment and Suspension

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: The proposed amendment to the existing rule will identify Department of Commerce programs which are exempted from coverage by the rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert M. McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605–AA02

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Final Rule Stage

275. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO GOVERNMENTS AND NONGOVERNMENTAL ENTITIES

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 24

Legal Deadline: None

Abstract: This action states the administrative requirements governing grants to governments and nongovernmental entities. It is intended to simplify and standardize the Federal grant process and eliminate redundant and inconsistent administrative requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Robert M. McNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, Office of Administration, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-5817

RIN: 0605–AA04

276. ● NONPROCUREMENT DEBARMENT AND SUSPENSION AND GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; PL 100-690, Sec 5151 to 5160, Drug-Free Workplace Act of 1988

CFR Citation: 15 CFR 26

Legal Deadline: Final, Statutory, February 16, 1989.

Abstract: This interim final rule requires grantees of Federal agencies to certify that they will provide drug-free workplaces and imposes sanctions on those who fail to comply with provisions of the rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 04947
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. NcNamara, Grants/Cooperative Agreement Specialist, Department of Commerce, General Administration, 14th & Constitution Avenue, Washington, DC 20230, 202 377-5817

RIN: 0605–AA05

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

277. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Legal Deadline: None

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions

to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period End	12/15/80	
NPRM	02/18/83	48 FR 7151
NPRM Comment Period End	04/19/83	48 FR 7188

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. and 14th St., NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA04

278. ● ANTIDUMPING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1673 et seq

CFR Citation: 19 CFR 353

Legal Deadline: None

Abstract: Revisions will codify existing administrative practice with respect to the identification and measurement of dumping. Revisions also will account for statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and make the antidumping law more accessible to the public.

Timetable:

Action	Date	FR Cite
ANPRM	02/01/89	54 FR 05092
ANPRM Comment Period End	03/20/89	
NPRM	04/30/89	
NPRM Comment Period End	06/30/89	
Final Action	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA29

279. ● ALLOCATION OF APPAREL TARIFF-RATE QUOTA UNDER THE U.S.-CANADA FREE TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: PL 100-449, Section 202(g); U.S.-Canada Free Trade Agreement Implementation Act of 1988

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The U.S.-Canada FTA reduces tariffs on textile and apparel products considered to be of U.S. or Canadian origin under the "rules of origin" established by the Agreement. Generally, apparel made in the U.S. or Canada from fabric sourced in a third country will not be considered to be of U.S. or Canadian origin for FTA purposes. Goods which do not qualify for the FTA rate will be subject to the regular most-favored-nation (MFN) rate. However, the FTA also establishes an annual tariff-rate quota (TRQ) under which a limited quantity of apparel products that do not meet the FTA's rules of origin will still be entitled to the FTA duty. As Canadian tariffs on U.S. apparel exports decline, U.S. apparel firms should have a growing incentive to export to Canada, but will need some predictability as to which duty their goods will be subject to.

Unless the Department implements an allocation system, we may find that U.S. firms will either face the chaos of an annual rush to the border to ensure their share of the TRQ or will ignore a lucrative export market to avoid the uncertainties of the TRQ.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	
NPRM Comment Period End	12/31/89	
Final Action	06/30/90	
Final Action Effective	01/01/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ronald I. Levin, Director, Office of Textiles and Apparel, Department of Commerce, International Trade Administration, Room 3100, U.S. Department of Commerce, Washington, DC 20230, 202 377-5078

RIN: 0625–AA30

280. ● COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 355

Legal Deadline: None

Abstract: Current countervailing duty regulations will be revised to codify existing administrative practice with respect to the identification and measurement of subsidies. Revisions also will take into account statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. The revisions will improve administrative efficiency and will make the countervailing duty law more accessible to the public.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	05/01/89	
Final Action	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Council for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-1411

RIN: 0625–AA31

281. ● ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1671 et seq; 19 USC 1673 et seq

CFR Citation: 19 CFR 300 to 399

Legal Deadline: None

Abstract: Revisions to the current antidumping duty and countervailing duty regulations are needed on an expedited basis in order to conform

DOC—ITA — Proposed Rule Stage

those regulations to certain statutory amendments made by the Omnibus Trade and Competitiveness Act of 1988. Those amendments deal with (1) downstream product monitoring; (2) consultations with the International Trade Commission on certain scope rulings; (3) procedures for administrative protective orders; (4) correction of ministerial errors; and (5) effective dates. The revisions will enable the Department to apply the new statutory provisions in an orderly and efficient basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/89	
NPRM Comment Period End	04/30/89	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, **202 377-1411**

RIN: 0625–AA32

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

282. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Legal Deadline: None

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA. Proposed rules were published in the Federal Register (November 1984).

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Additional Information: Further action on this regulation is under study by the Department.

Agency Contact: John F. Mizroch, Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, **202 377-0150**

RIN: 0625–AA05

283. ● PROCEDURES AND RULES FOR IMPLEMENTING ARTICLE 1904 OF THE UNITED STATES-CANADA FREE-TRADE AGREEMENT

Significance: Regulatory Program

Legal Authority: 19 USC 1516a; 19 USC 1677f(d); PL 100-449, Title IV

CFR Citation: 19 CFR 356

Legal Deadline: None

Abstract: Chapter 19 of the U.S.-Canada Free-Trade Agreement establishes a system under which final antidumping and countervailing duty determinations of both the United States and Canada will be subject to review by independent binational panels. The legislation implementing the Agreement authorizes the Department to issue regulations necessary to implement Chapter 19. Regulations are necessary to establish procedures concerning notice of intent to seek judicial review, requests for panel review, notice of receipt by Canada of class or kind determinations, continued suspension of liquidation pending panel review, release of business proprietary and privileged information under protective order during a panel review, and sanctions for violations of such protective orders. Because the Agreement could enter into force as early as January 1, 1989, and because determinations reviewable by binational panels are expected to be issued in January, 1989, interim-final rules are necessary.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53232
Final Action	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th & Constitution Avenue, NW, Washington, DC 20230, **202 377-1411**

RIN: 0625–AA33

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Completed Actions

284. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Significance: Regulatory Program

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None

Abstract: Current antidumping and countervailing duty regulations will be revised to reflect recent statutory changes and current administrative practices and to improve the clarity of the regulations. The revisions will improve administrative efficiency in enforcement of the antidumping and countervailing duty laws. The revisions

will replace the entire text of 19 CFR 353 and 355.

Timetable:

Action	Date	FR Cite
Final Action	03/28/89	54 FR 12742
AD Regulations		
NPRM 08/13/86 (51 FR 29046)		
NPRM Comment Period End 09/30/86		
Final Action 03/28/89 (54 FR 12742)		
CVD Regulations		
NPRM 06/10/85 (50 FR 29225)		
NPRM Comment Period End 09/09/85 (50 FR 32088)		
Final Action 12/27/88 (53 FR 52306)		

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, Room 3622, Pennsylvania Ave. & 14th St., NW, Washington, DC 20230, **202 377-1411**

RIN: 0625–AA08

285. SANCTIONS FOR VIOLATION OF ANTIDUMPING AND COUNTERVAILING DUTY PROTECTIVE ORDERS

Significance: Regulatory Program

Legal Authority: 19 USC 1677

CFR Citation: 19 CFR 353; 19 CFR 354; 19 CFR 355

Legal Deadline: None

Abstract: The ITA will add a new part 354 to the antidumping (part 353) and countervailing duty (part 355) regulations that establishes procedures for imposing sanctions against an individual, firm or other entity that violates the terms of an administrative protective order issued under 19 USC 1677. We will make conforming changes in Parts 353 and 355.

Timetable:

Action	Date	FR Cite
NPRM	07/06/87	52 FR 25246
NPRM Comment Period End	09/04/87	
Final Action	11/28/88	53 FR 47916
Final Action Effective	12/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Room 3622, Washington, DC 20230, **202 377-1411**

RIN: 0625–AA24

286. ANNUAL WATCH QUOTA ALLOCATIONS

Legal Authority: PL 97-466, Sec 110 (1983); 19 USC 1202 general headnote 3(a)

CFR Citation: 15 CFR 303

Legal Deadline: None

Abstract: The regulation allocates watch quotas on an annual basis, in compliance with the requirements of the statute and regulations. Program issues allocations no later than March 1 of each year, under section 303.6(b) of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/11/88	53 FR 39612
Final Action	12/29/88	53 FR 52678
Final Action Effective	01/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Creel, Director, Statutory Import Programs Staff, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Rm. 1523, Washington, DC 20230, **202 377-1660**

RIN: 0625–AA25

287. ANTIDUMPING AND COUNTERVAILING DUTIES; MODIFICATIONS

Legal Authority: 19 USC 1303; 19 USC 1516a; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: None

Abstract: As appropriate, the ITA will amend the current regulations in effect at the time of enactment of modifications in the statutory authority for imposing antidumping and countervailing duties, if such legislation is enacted in 1988 or 1989.

Timetable:

Action	Date	FR Cite
The subject matter covered will be incorporated in new regulatory initiatives for 1989.	12/07/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter, Deputy Chief Counsel for Import Administration, Department of Commerce, International Trade Administration, 14th and Pennsylvania Ave., NW, Washington, DC 20230, **202 377-1411**

RIN: 0625–AA26

DEPARTMENT OF COMMERCE (DOC)

Bureau of Export Administration (BXA)

Proposed Rule Stage

288. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)

Legal Authority: 50 USC 2061 et seq; EO 10480

CFR Citation: 15 CFR 350

Legal Deadline: None

Abstract: The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of Title I of the Defense Production Act of 1950, as amended. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, and would result in cost savings for defense contractors.

DOC—BXA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Richard V. Meyers, DPAS Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, 202 377-3634

RIN: 0694–AA02

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Final Rule Stage

289. REVISIONS TO SHORT SUPPLY REGULATIONS

Legal Authority: 50 USC app 2401 et seq; PL 99-64; 42 USC app 2401 et seq; 10 USC 7420 et seq; 43 USC 1354; 30 USC 185; EO 11912; EO 12214; EO 12002; PL 100-418; Executive Order effective December 28, 1988

CFR Citation: 15 CFR 771; 15 CFR 777; 15 CFR 799

Legal Deadline: None

Abstract: On July 12, 1985, the Export Administration Amendments Act of 1985 (PL 99-64) extended and amended the Export Administration Act of 1979 (50 USC app 2401, et seq.)(EAA). Certain changes were made to the Short Supply provisions of Section 7 of the EAA. Accordingly, revision of the Short Supply provisions (15 CFR 377) and related licensing requirements (15 CFR 371 and 399) of the Export Administration Regulations (15 CFR 368-399) is necessary. An interim final rule was issued which included (1) elimination of the validated licensing requirement for exports of refined petroleum products so as to permit their export with certain restrictions under a general license; (2) a new definition of "crude oil" for purposes of the regulation; and (3) certain technical and housekeeping changes. There are no costs associated with this action which would promote the export of decontrolled products. The Export Administration was made a Bureau in October 1987. The Export Administration Regulations were thereby transferred from 15 CFR 368-399 to 15 CFR 768-799. Furthermore, the Export Administration Act of 1979 was amended on August 23, 1988 by the Omnibus Trade and Competitiveness (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/09/85	50 FR 41131
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Act of 1988 (P.L. 100-418, 102 Stat. 1107). Section 2424 of the Omnibus Trade and Competitiveness Act of 1988 (OTCA) amends section 7 of the EAA but will not require regulatory measures.

Agency Contact: Rodney A. Joseph, Short Supply Program Manager, Department of Commerce, Bureau of Export Administration, Office of Technology and Policy Analysis, Bureau of Export Administration Rm. 1604, Washington, DC 20230, 202 377-4531

RIN: 0694–AA01

DEPARTMENT OF COMMERCE (DOC)
National Institute of Standards & Technology (NIST)

Proposed Rule Stage

290. FIPS FOR C PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed standard) which defines the syntax of the C programming language and the semantics for its interpretation. The standard will be used by implementors as the reference authority in developing compilers, interpreters or forms of high level language processors and by other computer professionals who need to know the precise syntactic and semantic rules of the standard. Use of this standard will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff training and skills.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 851
NPRM Comment Period End	04/09/87	52 FR 851

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA48

291. ● REVISION OF FIPS 151, POSIX: PORTABLE OPERATING SYSTEM INTERFACE FOR COMPUTER ENVIRONMENTS

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will revise FIPS 151, which was based on interim specifications, to adopt the Institute of Electrical and Electronics Engineers (IEEE) Standard for Portable Operating System Interface for Computer Environments (IEEE 1003.1-1988). The standard will adopt completed industry specifications and will facilitate the

interchange of computer application programs between different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA49

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292. FIPS FOR RECORDED FORMATS FOR ONE- AND TWO-SIDED 5.25 INCH (130 MM) AND 3.5 INCH (90 MM) FLEXIBLE DISK CARTRIDGES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that specifies the track layout, track format, and other characteristics of the recorded signal. This is one part of a set of functional specifications needed to ensure interchangeability of data between information processing systems by use of a physically removable medium.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA54

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293. FIPS FOR RECORDED MAGNETIC TAPE AND CARTRIDGE FOR INFORMATION INTERCHANGE; 18 TRACK, PARALLEL, 12.65 MM (1/2 IN), 1491 CPMM (37871 CPI) GROUP-CODED RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides requirements for a tape cartridge to be used for information interchange among information processing systems, communications systems, and associated equipment. Used with associated standards for unrecorded media, tape labels and file structures, this standard will support data interchange between different systems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA55

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294. REVISIONS TO FIPS 60, 61, 62, 63, 97, AND 111, COMPUTER SYSTEM INPUT/OUTPUT (I/O) INTERFACE STANDARDS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: Revisions to the family of input/output (I/O) interface standards will be proposed to reflect changes in computer technology and to facilitate the interconnection of peripherals to personal and minicomputers. New applicability, implementation and waiver provisions will be proposed to existing interface standards to be effective after January 1, 1990. A transition plan to cover the period from January 1988 to January 1990 will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/19/87	52 FR 44462
NPRM Comment Period End	02/17/88	52 FR 44462

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA59

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295. FIPS FOR ELECTRONIC BUSINESS DATA EXCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: A group of voluntary industry standards that will facilitate computer-to-computer interchange of procurement data will be adopted as FIPS. Developed by Accredited Standards Committee X12, the standards will provide standard data elements, formats, and contents of electronic messages containing procurement-related information. These standards will reduce paperwork, improve productivity, and enable more effective information and inventory management.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA62

DOC—NIST

Proposed Rule Stage

296. EXTENSIONS TO FIPS 127, DATABASE LANGUAGE SQL

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: The proposed extensions will adopt American National Standards (both currently draft standards) to the SQL language for relational databases. One proposal (Draft Addendum ISO 9075/DAD 1) provides features for assuring the correctness of data that is organized in SQL databases. The other proposal specifies interfaces between SQL and other programming languages including Ada, C, COBOL, FORTRAN, PASCAL, and PL/I. Use of these extensions will promote the portability of programs between different systems, and will enable organizations to more fully utilize staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA63

297. FIPS FOR APPLICATIONS PORTABILITY PROFILE

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will provide an architectural approach to applications portability, and will include standard elements that can be used to develop and maintain portable applications. Components of the profile will include database management, data interchange, network services, user interfaces, and programming languages.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA65

298. FIPS FOR DOCUMENT APPLICATION PROFILE (DAP) FOR THE OFFICE DOCUMENT ARCHITECTURE (ODA) AND INTERCHANGE FORMAT STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will be based on international standards for office document architecture and office document interchange formats. The profile will provide necessary functionality to enable documents developed on different manufacturers' equipment to be interchanged between systems.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA67

299. REVISION OF FIPS 140, GENERAL SECURITY REQUIREMENTS FOR EQUIPMENT USING THE DATA ENCRYPTION STANDARD

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision will bring the standard up to date to cover new encryption applications, and new policies for testing for conformance to the standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/88	53 FR 49722
ANPRM Comment Period End	03/09/89	53 FR 49722
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA68

300. ● REVISION OF FIPS 146, GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROFILE (GOSIP)

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This revision of FIPS 146 will add new protocols to the Government OSI Profile for virtual terminal, end-system to intermediate-system, connection oriented network service, office document architecture, connectionless transport, and Integrated Services Digital Network (ISDN) technology. The specification addresses needs to acquire multivendor systems using available or soon-to-be-available standard products.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA69

301. ● FIPS FOR POSIX SHELL AND TOOLS

Legal Authority: PL 100-235

DOC—NIST

Proposed Rule Stage

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt, on an interim basis, Draft 8.0 of the Institute of Electrical and Electronics Engineers (IEEE) Standard for Shell and Application Utility Interface for Computer Operating Systems Environments (IEEE 1003.2/POSIX Shell and Tools). This standard will extend the functionality of the POSIX standard by providing an interactive interface for users to control processing.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA70

302. ● FIPS FOR POSIX SYSTEM ADMINISTRATION

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt a set of specifications on an interim basis to provide functional system administration requirements for POSIX operating system implementations. Actual utility names and options for system administration will be specified in a future revision to this FIPS. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA71

303. ● FIPS FOR X WINDOW SYSTEM

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt the X Protocol, Xlib Interface, Xt Intrinsics and Bitmap Distribution Format specifications developed by the Massachusetts Institute of Technology (MIT) for the X Window System. This standard will facilitate the interchange of computer programs among different vendor systems and architectures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA72

304. ● FIPS FOR DIGITAL CARTOGRAPHIC DATA

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt specifications developed by the Department of the Interior for representing data used in mapping applications. The standard will improve interchange of information among agencies analyzing land use, demographics, and other geographic information.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA73

DEPARTMENT OF COMMERCE (DOC)

National Institute of Standards & Technology (NIST)

Final Rule Stage

305. FIPS FOR INFORMATION RESOURCE DICTIONARY SYSTEM (IRDS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (now draft proposed) which will promote portability of information resources. The Information Resource Dictionary System is a software system for recording, storing, and processing descriptions of an organization's significant data. Use of the standard will improve identification of data that can be shared within an organization, reduce unnecessary development of computer programs, and increase portability of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	08/13/85	50 FR 32610
NPRM Comment Period End	11/12/85	50 FR 32610
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

DOC—NIST **Final Rule Stage**

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA38

306. REVISION TO FIPS 100, INTERFACE BETWEEN DATA TERMINAL EQUIPMENT (DTE) AND DATA CIRCUIT-TERMINATING EQUIPMENT (DCE) FOR OPERATION WITH PACKET-SWITCHED DATA COMMUNICATIONS NETWORKS

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This revision will make the standard consistent with minor changes that were made to Recommendation X.25 by the Consultative Committee for International Telegraph and Telephone in 1984. This is an international standard for data processing equipment, services and telecommunications equipment using public packet switched data communications networks.

Timetable:

Action	Date	FR Cite
NPRM	07/10/86	51 FR 25088
NPRM Comment Period End	10/08/86	51 FR 25088

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA39

307. FIPS FOR CONFORMANCE TESTING POLICY AND PROCEDURES

Legal Authority: PL 100-235

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS will specify the policy and procedures for conformance test methods, for conformance testing of implementations of FIPS, and for certifying those implementations that comply with the FIPS requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29249
NPRM Comment Period End	11/01/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA66

DEPARTMENT OF COMMERCE (DOC)

Completed Actions

National Institute of Standards & Technology (NIST)

308. FIPS PUB 152, STANDARD GENERALIZED MARKUP LANGUAGE (SGML)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard adopts International Standard ISO 8879-1986 which standardizes the application of generic coding and generalized markup concepts for documents that are processed by text processing and word processing systems. It provides a coherent and unambiguous syntax for describing what a user chooses to identify within a document. Use of this standard will facilitate the interchange of documents among systems with differing text processing languages and the processing of documents by more than one application, when applications use the same text processing language.

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41609
NPRM Comment Period End	01/27/88	52 FR 41609
Final Action	09/26/88	53 FR 37332
Final Action Effective	03/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, **301 975-2833**

RIN: 0693–AA50

309. FIPS FOR RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; 4-TRACK, SERIAL, 0.250 IN (6.30 MM), 6400 BPI (252 BPMM) INVERTED MODIFIED FREQUENCY MODULATION ENCODED

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

DOC—NIST

Completed Actions

Timetable:

Action	Date	FR Cite
Withdrawn Not needed to meet government requirements.	02/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA51

310. FIPS FOR SERIAL RECORDED MAGNETIC TAPE CARTRIDGE FOR INFORMATION INTERCHANGE; FOUR AND FIVE TRACK, 0.250 IN (6.30 MM) 8000 BPI (315 BPMM) STREAMING MODE GROUP CODE RECORDING

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (currently draft proposed) that provides the format and recording requirements for magnetic tape cartridges. The standard defines the requirements and supporting test methods needed to ensure data interchange between information systems, communications systems, and associated equipment.

Timetable:

Action	Date	FR Cite
Withdrawn Not needed to meet government requirements.	02/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA52

311. FIPS FOR ONE-HALF INCH MAGNETIC TAPE INTERCHANGE USING A SELF LOADING CARTRIDGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (ANSI X3.85-1981) which provides the requirements and test methods necessary to ensure physical interchange of a self loading cartridge to be used with 1/2 inch wide magnetic tape.

Timetable:

Action	Date	FR Cite
Withdrawn Not needed to meet government requirements.	02/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA53

312. FIPS FOR DEVICE LEVEL INTERFACE FOR STREAMING CARTRIDGE AND CASSETTE TAPE DRIVES

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This standard will adopt an American National Standard (ANSI X3.146-1986) that specifies the interface between streaming cartridge and cassette tape drives, and small computer systems. This standard will facilitate the acquisition of cartridge and cassette tape drives made by different manufacturers, expand the Federal Government's sources of supply, and reduce costs of acquisition.

Timetable:

Action	Date	FR Cite
Withdrawn Not needed to meet government requirements.	02/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA57

313. FIPS PUB 153, PROGRAMMER'S HIERARCHICAL INTERACTIVE GRAPHICS SYSTEM (PHIGS)

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: None

Legal Deadline: None

Abstract: This FIPS adopt the American National Standard Programmer's Hierarchical Interactive Graphics System (ANSI X3.144-1988). This standard will improve the portability of graphics application programs among different manufacturers' computer systems and will help agencies make more effective use of staff skills and training.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7957
NPRM Comment Period End	06/09/88	53 FR 7957
Final Action	10/14/88	53 FR 40249
Final Action Effective	04/28/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 357 Computer and Office Equipment

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Institute of Standards & Technology, B151 Technology, Gaithersburg, MD 20899, 301 975-2833

RIN: 0693–AA64

DEPARTMENT OF COMMERCE (DOC)

Prerule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

314. MARINE FISHERY USER FEES

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A marine fishery user fee system will provide a substantial and stable source of revenue to partially offset Federal fishery expenditures and information needed for effective fishery management. Fees would be collected from the sale of marine fish conservation emblems and licenses, and from an assessment on landing or delivery of fish for commercial purposes. Administration costs are estimated to be $6 million annually, with net Federal revenues of approximately $60 million. A bill entitled "The Exclusive Economic Zone Revenue Raising Act of 1988" (HR 5580) was introduced on October 21, 1988.

Timetable:

Action	Date	FR Cite
Next steps depend on Congressional action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $6,000,000; Yearly Recurring Cost: $6,000,000; Base Year for Dollar Estimates: 1988

Sectors Affected: 203 Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties

Agency Contact: John T. Everett, Chief, Program Evaluation and Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, Management and Budget Staff, NMFS, Washington, DC 20235, **202 673-5464**

RIN: 0648–AB87

315. AMENDMENT 1 GULF OF MEXICO REEF FISH FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 1 will attempt to rebuild declining reef fish stocks, especially red snapper. A primary objective of the amendment will be to reduce red snapper harvest by 60 percent through the use of a commercial quota of 2.1 million pounds, by the establishment of a 12 inch minimum fish size for commercial and recreational fisheries taking red snapper, and by the establishment of a 3 fish red snapper bag limit per person in the recreational sector. The amendment will also protect other species of reef fish, as well as red snapper, by proposing to (1) prohibit use of fish traps, roller trawls, and powerheads, (2) prohibit the use of bottom long lines shoreward of the 50 fathom curve, and (3) prohibit any entanglement nets, including gillnets, drift, drum, and trammell nets. Several additional species will be included in the management unit, and additional conservation measures will be forthcoming.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/89	
NPRM	06/15/89	
NPRM Comment Period End	08/01/89	
Final Action	09/20/89	
Final Action Effective	10/20/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC16

316. AMENDMENT 4 TO THE PACIFIC COAST GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663; 50 CFR 611.70

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Pacific Fishery Management Council.

Abstract: Amendment 4 will restructure and update the Pacific Coast Groundfish FMP to make it a more useful and timely document. It also will consider providing the flexibility to address a wider range of problems. The major issues in Amendment 4 will examine quota management, the application of "optimum yield," the ability to impose management measures for social and economic reasons (as long as the resource will not be jeopardized), deletion of the 30 percent lid on annual and inseason increases to ABC and OY, the determination of incidental trip limits of groundfish in nongroundfish fisheries, ways to expedite the experimental fishing permit process, and the review and adoption of state regulations.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/89	
NPRM	08/15/89	
NPRM Comment Period End	09/29/89	
Final Action	11/18/89	
Final Action Effective	12/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC43

317. BLUEFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory.
110 days after receipt from the fishery management council.

Abstract: The FMP would control the growth of the recreational and commercial fisheries in the EEZ. The Atlantic States Marine Fisheries Commission is developing a plan simultaneously with the Council and will coordinate State management with Federal management of bluefish throughout its range.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/89	
NPRM	08/16/89	
NPRM Comment Period End	10/01/89	
Final Action	11/22/89	
Final Action Effective	12/22/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, **508 281-3600**

RIN: 0648–AC51

318. ● AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 651

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 3 will address biological objectives of the FMP and specific recommendations of the Technical Monitoring Group. Measures may include modifications to percent Maximum Spawning Potential targets for haddock and yellowtail flounder, modifications to existing closed areas and exempted fishing area, establishment of new or flexible closed areas, mesh specifications in small mesh fishery, and other measures under development.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/89	
NPRM	09/01/89	
NPRM Comment Period End	10/15/89	
Final Action	12/05/89	
Final Action Effective	01/05/90	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, **508 281-3600**

RIN: 0648–AC79

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

319. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Legal Deadline: None

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the Coastal Zone Management Act of 1972, as amended (CZMA), and therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) required that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally approved state coastal zone management programs. NOAA engaged in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA removed those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period End	08/31/84	49 FR 22825
NPRM	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	50 FR 3798
Final Action	08/30/85	50 FR 35210
Decision whether to proceed with rulemaking	10/30/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: NOAA issued a final rule August 31, 1985 making the changes required by the Supreme Court decision, and decided to undertake a comprehensive study of the Federal consistency process. The Draft Study issued April 1985 will assist NOAA in evaluating the need for and consequences of further revision of the Federal consistency regulations. Further revision has been deferred pending review of public comment on the April study, and amendments to the CZMA enacted in 1986. In addition, the CZMA will be reauthorized soon, and amendments to the CZMA may result which would require further regulatory revision. Based on this review, NOAA will evaluate the need for, and consequences of further revision of the regulations.

Agency Contact: Vickie A Auin, Chief, Policy Coordination Division, Office of Ocean & Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5100**

RIN: 0648–AA34

DEPARTMENT OF COMMERCE (DOC)

Proposed Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

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320. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1188, Emerson Ave., Gloucester, MA 01930, 508 281-3600

RIN: 0648–AA46

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321. ● MORATORIUM ON STRIPED BASS IN EXCLUSIVE ECONOMIC ZONE OFF NORTH EAST ATLANTIC COAST

Legal Authority: PL 100-589; 16 USC 1801 et seq; 16 USC 1851

CFR Citation: 50 CFR 656

Legal Deadline: None

Abstract: The Secretary of Commerce, after consultation with other Federal agencies, state agencies, and interested persons will implement regulations to prohibit catching and retaining striped bass in the Exclusive Economic Zone off North Carolina through Maine. This is being done in response to a Congressional directive contained in the Atlantic Striped Bass Conservation Act, and is consistent with the National Standards of the Magnuson Act. These regulations conform to and complement the Atlantic Striped Bass Plan developed by the Atlantic States Marine Fisheries Commission and approved by its member states. Alternatives considered were no action, requiring those fisheries in the EEZ to conform to state regulations, and establishing a Federal Bag limit on catching striped bass in the EEZ. The cost of the preferred alternative is nominal, and appreciable benefits accrue to the migratory striped bass stocks.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	
Final Action	11/15/89	
Final Action Effective	12/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: David G. Deuel, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East West Highway, Silver Spring, MD 20910, 301 427-2347

RIN: 0648–AB25

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322. ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal provides, under limited circumstances, for issuance of permits allowing the incidental taking of endangered species. The proposal applies to certain Federal permit or license holders and to private entities or State or local governments whose actions are not otherwise subject to Federal involvement or control. Prior to the 1982 amendments to the ESA, the taking of endangered species was prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under the proposed regulations would allow permit holders to conduct their activities without risk of prosecution for the incidental take of species authorized by such permits.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Sectors Affected: 091 Commercial Fishing

Additional Information: Potential cost to applicants is estimated at $420. Cost per applicant is estimated at $210. Each applicant will be required to submit a conservation plan as part of the permit process. NEPA, EO 12291 and RFA determinations have not been undertaken.

Agency Contact: Charles Karnella, Acting Chief, Protected Species Mgt Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources and Habitat Programs, NMFS, Silver Spring, MD 20910, 301 427-2323

RIN: 0648–AB47

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323. GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

DOC—NOAA

Proposed Rule Stage

CFR Citation: 50 CFR 672; 50 CFR 674; 50 CFR 611.92

Legal Deadline: None

Abstract: As required under PL 98-623, NOAA issues a regulatory amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Jonathan Pollard, Attorney-Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, NOAA Office of General Counsel-GCAK, P.O. Box 21668, Juneau, AK 99801, **907 568-7414**

RIN: 0648–AB51

324. AMENDMENT 1 TO THE SWORDFISH FMP

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 1 will reflect concern for status of swordfish stocks based on recent stock assessments (Jan. and Nov. 1988). U.S. longline fishery now targets tunas and small swordfish in nearshore waters and seeks larger, more valuable swordfish in more distant waters. The Council will consider size limits, area closure, and quota management in Amendment 1 in an attempt to reduce the fishing mortality of small billfish in the exclusive economic zone.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
NPRM Comment Period End	10/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Regional Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AB92

325. AMENDMENT 3 TO THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 E. LONGITUDE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will (1) update the scientific data and other information used as a basis for management actions, (2) enhance the framework aspect of annual and inseason rulemaking under the fishery management plan (FMP), and (3) ensure conformity of the FMP with the Pacific Salmon Treaty.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC00

326. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will prohibit drift gillnets in the King and Spanish mackerel fisheries in the South Atlantic and Gulf of Mexico, and prohibit purse seines and run-around gill nets in King mackerel fishery in the South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	03/20/89	
NPRM Comment Period End	04/05/89	
Final Action	05/25/89	
Final Action Effective	06/25/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC15

327. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 652

DOC—NOAA

Proposed Rule Stage

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Mid-Atlantic Fishery Management Council.

Abstract: Amendment 8 would address current regulatory restraints on industry designed to conserve the resource. The FMP objectives would be modified to promote economic stability, simplify regulations, and to allow more operational flexibility for the industry. Long-term management alternatives to be considered include an Individual Transferable Quota System and other limited effort vessel allocation schemes.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
NPRM Comment Period End	06/15/89	
Final Action	08/04/89	
Final Action Effective	09/04/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930-3799, 508 281-3600

RIN: 0648–AC19

328. IMPLEMENTATION OF CONDITIONALLY APPROVED MEASURES UNDER AMENDMENT 1 TO THE SPINY AND SLIPPER LOBSTER FMP IN THE GULF OF MEXICO AND SOUTH ATLANTIC - PERMITS AND BAG LIMITS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: This rule will require commercial and tail separation permits and establish a recreational bag limit during the regular season.

Timetable:

Action	Date	FR Cite
NPRM	04/24/89	52 FR 8485
NPRM Comment Period End	06/08/89	52 FR 8485
Final Action	08/13/89	
Final Action Effective	09/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC25

329. AMENDMENT 3 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This action will change the date from 1990 to 1992 to establish the new minimum vent size at 1 15/16 inches by 6 inches for rectangular vents or 2 7/16 inches diameter for circular vents; and implement a requirement that each trap shall have an escape panel or equivalent mechanism to keep a trap from ghost fishing after it has been abandoned or lost for 12 months or more.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930, 508 281-3600

RIN: 0648–AC28

330. AMENDMENT 2 TO THE SPINY LOBSTER FISHERY MANAGEMENT PLAN OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 640

Legal Deadline: NPRM, Statutory. Final, Statutory.
110 days after receipt from the fishery management council.

Abstract: This rule would establish a regulatory amendment procedure for future implementation of gear and harvest restrictions to regulate the fishery in the Exclusive Economic Zone.

Timetable:

Action	Date	FR Cite
NPRM	04/17/89	
NPRM Comment Period End	05/31/89	
Final Action	07/25/89	
Final Action Effective	08/20/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33708, 813 893-3141

RIN: 0648–AC29

331. FISHERY MANAGEMENT PLAN FOR KING AND TANNER CRAB IN THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The FMP would govern fishing for king and tanner crab in the EEZ by minimum sizes, annual guideline harvest levels, definition of legal gear, restriction on harvest of female crabs, registration areas, fishing

seasons, and provisions for inseason adjustments. The State of Alaska would adopt measures for reporting requirements, gear placement, gear storage, gear restrictions, and vessel tank inspections. A person may appeal to the Secretary if he believes a State action does not comply with the FMP, the Magnuson Act, or other applicable law.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	
NPRM Comment Period End	06/30/89	
Final Action	09/04/89	
Final Action Effective	10/04/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC34

332. REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 674

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the EEZ off Alaska and who sell, transport, or deliver salmon in the EEZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648–AC39

333. ATLANTIC TUNA FISHERIES - REGULATORY AMENDMENT

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: On March 31, 1988, the Regional Director published a "Notice of Receipt of Petition for Rulemaking" in the Federal Register. The Notice requested comments on the proposal to (1) restrict the use of spotter aircraft, (2) limit the incidental longline catch of Atlantic bluefin tuna, (3) close all or a portion of the Gulf to longline fishing during a specified spawning season, (4) restate and clarify the prohibition of directed fishing for bluefin tuna in the Gulf, and (5) reestablish the scientific quota administered by the Southeast Fisheries Center. Based on the comments received a rulemaking will be proposed to address the issues confronting the Atlantic bluefin tuna.

Timetable:

Action	Date	FR Cite
ANPRM	03/31/88	53 FR 10415
NPRM	03/15/89	
NPRM Comment Period End	04/15/89	
Final Action	07/01/89	
Final Action Effective	08/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, **617 281-3600**

RIN: 0648–AC40

334. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE ATLANTIC SWORDFISH FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This regulatory amendment will modify the present data collection system to require 100 percent mandatory dealer reporting of landings and value, for swordfish and other species caught in the domestic longline fishery. This information is required to determine total fishery landings, fishing effort, and biological data (e.g., size of population, age classes) for stock assessment purposes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC41

335. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC SEA SCALLOPS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 650

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will involve a major revision of the management plan with the purpose of replacing a management program based on a meat count standard measure with some other management approach of equal or greater effectiveness in meeting the plan's objectives. The Council is considering optional means of effort control, which would have industry support, as a basis for a new management program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	
Final Action	04/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AC44

336. POLICY TO REQUIRE OBSERVERS TO BE CARRIED ON DOMESTIC FISHING VESSELS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The policy would establish guidelines for the use of observers in the domestic fisheries managed under the Magnuson Act. The observers collect catch and effort data on fishing operations, and biological information on fish stocks and the marine ecosystem.

Timetable:

Action	Date	FR Cite
ANPRM	06/06/88	53 FR 20661
ANPRM Comment Period End	07/18/88	
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Peter H. Fricke, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Fisheries Cons. & Mgt., 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AC45

337. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE COASTAL MIGRATORY PELAGIC RESOURCES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will reallocate the Spanish mackerel quota in the South Atlantic and Gulf of Mexico.

Timetable:

Action	Date	FR Cite
NPRM	04/20/89	
NPRM Comment Period End	05/29/89	
Final Action	07/18/89	
Final Action Effective	08/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC55

338. FISHERY MANAGEMENT PLAN FOR THE HIGH SEAS SALMON FISHERY OFF THE COAST OF ALASKA EAST OF 175 EAST LONGITUDE - REGULATORY AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Legal Deadline: None

Abstract: This regulatory amendment would modify the regulations implementing the FMP in order to bring them into conformity with the FMP measures concerning the Secretary's authority to open and close fishing areas.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99801, **907 586-7221**

RIN: 0648–AC57

339. SCIENTIFIC RESEARCH - DOMESTIC AND FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 611; 50 CFR 620

Legal Deadline: None

Abstract: The rule would define scientific research under the Magnuson Act and would add several prohibitions to the general regulations governing domestic fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Margaret Frailey, Assistant General Counsel for Fisheries, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2231

RIN: 0648–AC61

340. ● INTERIM EXEMPTION GOVERNING THE INCIDENTAL TAKING OF MARINE MAMMALS DURING COMMERCIAL FISHING OPERATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: NPRM, Statutory, March 23, 1989. Final, Statutory, July 21, 1989. Other, Statutory, January 20, 1989. ANPRM legal deadline was January 20, 1989.

Abstract: 1988 Amendments to Marine Mammal Protection Act direct Secretary of Commerce to establish within 240 days, a 5-year program for exempting commercial fishing operations within the U.S. exclusive economic zone from the Act's prohibition on taking marine mammals. The exemption will require registration of vessels with the National Marine Fisheries Service, reports on interactions with marine mammals and taking Government observers if required.

Timetable:

Action	Date	FR Cite
ANPRM	01/27/89	54 FR 04154
ANPRM Comment Period End	02/27/89	
NPRM	03/23/89	
NPRM Comment Period End	05/08/89	
Final Action	06/30/89	
Final Action Effective	07/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Nancy Foster, Director, Off. of Protected Resources and Habitat Prog, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2332

RIN: 0648–AC65

341. ● REGULATION TO CONTROL ILLEGAL FISHING IN THE EXCLUSIVE ECONOMIC ZONE (EEZ) AND OVERFISHING OUTSIDE THE EEZ

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; 16 USC 971 et seq; 22 USC 1971 et seq; 16 USC 1361 et seq

CFR Citation: 50 CFR 611.7; 50 CFR 611.93

Legal Deadline: None

Abstract: Foreign fishing on the high seas of the central Bering Sea take excessive amounts of stocks of Alaska pollock which may be shared in the economic zones of the United States and the Soviet Union. The foreign fleets also use such fishing for illegal fishing incursions in the U.S. EEZ under cloud cover and cover of darkness.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/88	53 FR 13422
ANPRM Comment Period End	05/25/88	
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, F/CM1, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2339

RIN: 0648–AC66

342. ● REGULATORY AMENDMENT TO THE GROUNDFISH OF THE BERING SEA/ ALEUTIAN ISLANDS AREA AND GROUNDFISH OF THE GULF OF ALASKA FISHERY MANAGEMENT PLANS - DEFINITION OF FISHERY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: None

Abstract: The action redefines directed fishing in the Bering Sea/Aleutian Islands Area and Gulf of Alaska so that fishermen could sort their catches at sea and discard inadvertent catches of species so as to avoid violations. The action provides authority for the reopening of fisheries, if subsequent information shows that the closure was premature.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	
NPRM Comment Period End	06/30/89	
Final Action	09/01/89	
Final Action Effective	09/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, Alaska 99802, 907 586-7221

RIN: 0648–AC68

343. ● REGULATIONS GOVERNING THE TAKING OF SMALL NUMBERS OF MARINE MAMMALS INCIDENTALLY TO OIL & GAS EXPLORATION IN THE BEAUFORT AND CHUKCHI SEAS

Legal Authority: 16 USC 1371(a)(5)

CFR Citation: 50 CFR 238.3

Legal Deadline: None

Abstract: Section 101(a)(5) of the Marine Mammal Protection Act directs the Secretary to allow, on request by U.S. citizens who engage in a specified activity (other than commercial fishing) in a specified geographical region, the

incidental take of small numbers of marine mammals. The agency must find that the taking will have a negligible impact on the species or stocks, and will not have an unmitigable adverse impact on the availability of the species for subsistence uses. The Service received a request from 6 oil companies for a take of marine mammals incidental to oil exploration in the Beaufort and Chukchi Seas. These regulations allow a take if certain conditions are met including requirements for monitoring and reporting and a prohibition on taking in the spring lead system used by bowhead whales in the Chukchi Sea. These regulations allow the oil companies to proceed with energy exploration while protecting marine mammals.

Timetable:

Action	Date	FR Cite
ANPRM	04/13/88	53 FR 12169
ANPRM Comment Period End	07/13/88	
NPRM	03/01/89	
NPRM Comment Period End	05/01/89	
Final Action	08/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Lorenz, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS/1335 East-West Highway, Silver Spring, MD 20910, **301 427-2323**

RIN: 0648–AC69

344. ● FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1990

Legal Authority: 16 USC 1801 et seq. Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 611.22

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for foreign fishing in 1990.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	
NPRM Comment Period End	10/30/89	
Final Actior.	12/15/89	
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2339**

RIN: 0648–AC70

345. ● INTERIM FISHING VESSEL CAPITAL CONSTRUCTION FUND PROCEDURES

Legal Authority: 46 USC 1177, sec 607, Merchant Marine Act, 1936, as amended

CFR Citation: 50 CFR 259

Legal Deadline: None

Abstract:

(A) Incorporate into existing regulations for the part of the Capital Construction Fund administered for fishermen new requirements imposed by the Tax Reform Act of 1986.

(B) Incorporate into existing regulations, clarification of existing restraints on the use of the Capital Construction Fund by fishermen.

(C) Incorporate into existing regulations, assessment of user fees for Capital Construction Fund benefits provided fishermen.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: (A) Under existing regulations, at 50 CFR, Part 259, the acquisition of a qualified vessel is not interpreted to include the lease of a qualified vessel. The legislative history of the Tax Reform Act, 1986, indicates Congressional intent to consider lease hire payments from the CCF to be considered qualified withdrawals, if such payments are used for the acquisition of a qualified vessel through lease for a period of five years or more. The proposed rules would allow for payments from the CCF for such purpose. (B) Under existing conditions at 50 CFR Part 259, CCF benefits for fishermen are restricted in accordance with Part 251 of 50 CFR. The proposed rule would allow for either the moderation or lifting of these restrictions. (C) The proposed rules would add to 59 CFR Part 3 provisions for the assessment of user fee charges to fund operating costs for that portion of the CCF administered for fishermen.

Agency Contact: John A. Kelly, Jr., Program Leader, Capital Construction Fund Program, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2393**

RIN: 0648–AC71

346. ● AMENDMENT 18 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 13 TO THE FMP FOR GROUNDFISH OF THE BERING SEA/ ALEUTIAN ISLANDS - LIMITED ACCESS FOR SABLEFISH LONGLINE FISHERY

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq; Magnuson Fishery Conservation and Management Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final action 110 days after receipt from the fishery management council.

Abstract: The rule provides for an individual fishing quota for owners and permit holders in the sablefish longline fishery of the Gulf of Alaska and the Bering Sea/Aleutian Islands. The system provides for qualifications of minimum landings to determine eligibility and an appeal procedure.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	
NPRM Comment Period End	07/15/89	
Final Action	09/05/89	
Final Action Effective	10/05/89	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, Alaska 99802, 907 586-7221

RIN: 0648–AC72

347. ● AMENDMENT 12A TO THE GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA FMP - INCIDENTAL CATCH LIMITS OF CRABS AND HALIBUT

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Limits on the incidental catch of tanner crab, king crab, and halibut are established for the groundfish fishery. Closure by specified area or subarea must occur when a limitation is reached.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	05/15/89	
Final Action	07/01/89	
Final Action Effective	08/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, Alaska 99802, 907 586-7221

RIN: 0648–AC74

348. ● RESUBMITTED PART OF AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final rule 110 days after receipt from the fishery management council.

Abstract: This amendment will require that white shrimp taken in the Exclusive Economic Zone conform to the minimum size, landing, and possession limits of the State in which they are landed.

Timetable:

Action	Date	FR Cite
NPRM	06/20/89	
NPRM Comment Period End	07/05/89	
Final Action	08/19/89	
Final Action Effective	09/18/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC75

349. ● AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This amendment will establish a multi-year management regime in which the fishery will remain seasonally closed to 200 miles in years of good recruitment and opened in years of poor recruitment.

Timetable:

Action	Date	FR Cite
NPRM	04/19/89	
NPRM Comment Period End	06/02/89	
Final Action	07/22/89	
Final Action Effective	08/22/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC76

350. ● AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days after receipt and final action 110 days after receipt from the fishery management council.

Abstract: Actions which may be considered for inclusion in the Amendment are: (1) subdivide the recreational allocation for king and Spanish mackerel by area and time, (2) adjust qualification for commercial permits, (3) prohibit charterboats from obtaining commercial permits, (4) prohibit sale of king mackerel taken under a bag limit, and (5) establish subquotas for king mackerel by gear type in the commercial fishery.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	11/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC77

351. ● AMENDMENT 19 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA AND AMENDMENT 14 TO THE FMP FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The NPFMC combined its Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans to provide for one final rule governing these fisheries. The action makes adjustments in the regulatory system to account for inconsistencies in management approach. The result is a uniform regulation applicable to an increasingly large and mobile fleet that operates in both areas.

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	
NPRM Comment Period End	10/30/89	
Final Action	12/19/89	
Final Action Effective	01/19/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. box 1668, Juneau, Alaska 99802, 907 586-7221

RIN: 0648–AC80

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

352. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 929

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action Effective	11/00/89	
Begin Review	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AA33

353. ● FAGATELE BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 941

Legal Deadline: None

Abstract: These regulations are being revised to update on-site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 202 673-5122

RIN: 0648–AA74

354. DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Legal Deadline: None

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	02/24/89	54 FR 7953
NPRM Comment Period End	04/25/89	
Final Action	06/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB49

355. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 937

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and to change research permit requirements.

DOC—NOAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AB64

356. RULEMAKING TO IMPLEMENT 1985 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT (CZMA)

Legal Authority: 16 USC 1456; PL 99-272, Subtitle D

CFR Citation: 15 CFR 923

Legal Deadline: None

Abstract: PL 99-272, the Coastal Zone Management Reauthorization Act of 1985, amended Sec 306(g) of the Coastal Zone Management Act (16 USC 1456) dealing with submission and approval of changes to federally approved State coastal zone management programs. NOAA/OCRM intends to issue regulations to implement these provisions and to correct problems NOAA/OCRM and the States have experienced in processing program change requests.

Timetable:

Action	Date	FR Cite
Issue paper distributed	09/12/86	
NPRM	03/31/89	
NPRM Comment Period End	04/30/89	
Final Action	10/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: State

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Mark Stanga, Associate Director, OCRM, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Room 701, Washington, DC 20235, 202 673-5100

RIN: 0648–AC02

357. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 935

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC03

358. PROPOSED REGULATIONS FOR THE POINT REYES-FARALLON ISLANDS NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 936

Legal Deadline: None

Abstract: These regulations are being revised to update enforcement provisions and permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AC05

359. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: NPRM, Statutory. Final, Statutory, November 7, 1989. Within 12 months of enactment.

Abstract: As a result of the Marine Protection Research and Sanctuaries Act re-authorization anticipated in 1988, the regulations will be revised to incorporate modifications from the new legislation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	10/00/89	
Final Action Effective	11/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, NOS Universal Bldg., Rm. 714, 1825 Conn. Ave., NW, Washington, DC 20235, 202 673-5126

RIN: 0648–AC53

360. PROPOSED REGULATIONS FOR THE MONTEREY BAY NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Monterey Bay, if the area is designated as a National Marine Sanctuary.

DOC—NOAA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	11/30/89	
Final Action Effective	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, NOS, Universal Bldg., Rm. 714, 1825 Conn. Ave., NW, Washington, DC 20235, **202 673-5126**

RIN: 0648–AC63

361. ● THE MONITOR NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1439

CFR Citation: 15 CFR 924

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5122**

RIN: 0648–AC78

OFFICE OF THE ADMINISTRATOR

362. NATIONAL SEA GRANT PROGRAM FUNDING REGULATIONS

Legal Authority: 33 USC 1123 (d)(7); 33 USC 1125; 33 USC 1127

CFR Citation: 15 CFR 917.2 (Revision); 15 CFR 917.11 (Revision); 15 CFR 917.20 (Revision); 15 CFR 917.21 (Revision); 15 CFR 917.22 (Revision); 15 CFR 917.30 (Revision)

Legal Deadline: Final, Statutory, December 28, 1988.
Applies only to revision of 15 CFR 917.20 - 917.22.

Abstract: Amendments to the Sea Grant Act require updating of implementing regulations to include:

Replace the "National Needs" program with a "strategic research program," essentially to focus on a more limited number of priority research areas;

Include two types of fellowships not previously recognized by statute and set forth selection procedures;

To update the international program in view of the broader geographic areas and activities authorized;

To provide more specific support for graduate education and interdisciplinary research in marine affairs.

There are no alternatives. Statutory amendments explicitly or implicitly require conforming amendments to the funding regulations. There are no costs involved.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	
NPRM Comment Period End	05/30/89	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Milholland, Senior Counselor, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Universal South Bldg., Rm. 603, Washington, DC 20230, **202 673-5200**

RIN: 0648–AC54

363. LICENSING OF PRIVATE REMOTE SENSING SPACE SYSTEMS

Significance: Regulatory Program

Legal Authority: 15 USC 4244

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: NOAA is considering amending its regulations for licensing private remote sensing space systems in response to a petition by news organizations. Petitioners seek clearer definition of when a license might be restricted because of national security. NOAA will consider ways to provide clarity to reassure potential applicants but will not consider the specific standard proposed by the media which was rejected during the original rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/18/89	54 FR 01945
NPRM	02/15/89	
NPRM Comment Period End	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John A. Milholland, Senior Counsellor/Satellite, Department of Commerce, National Oceanic and Atmospheric Administration, Room 603, 1825 Connecticut Avenue, NW, Washington, DC 20235, **202 673-5200**

RIN: 0648–AC64

DEPARTMENT OF COMMERCE (DOC)
National Oceanic and Atmospheric Administration (NOAA)

Final Rule Stage

NATIONAL MARINE FISHERIES SERVICE

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364. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 603

Legal Deadline: None

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Interim Final Rule	07/16/87	52 FR 26685
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Agency Contact: Mark Holliday, Acting Chief, Fisheries Statistics Division, Department of Commerce, National Oceanic and Atmospheric Administration, Off. of Research and Environmental Informat., NMFS, Washington, DC 20235, **202 673-5335**

RIN: 0648–AA38

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365. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
Interim Final Rule	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1188, Emerson Ave., Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AA47

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366. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Significance: Regulatory Program

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas other nations fishing in a similar manner that export tuna to the U.S. often do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna, to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	08/13/86	51 FR 28963
NPRM Comment Period End	11/14/86	51 FR 36568
Interim Final Rule	03/18/88	53 FR 8910
Interim Final Rule	03/07/89	54 FR 9438
Comment Period End	05/08/89	
Begin Review	10/00/90	
End Review	12/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $9,825; Yearly Recurring Cost: $9,825; Base Year for Dollar Estimates: 1985

Sectors Affected: 091 Commercial Fishing

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources & Habitat Programs, NMFS, Silver Spring, MD 20910, **301 427-2289**

RIN: 0648–AB46

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367. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS

Legal Authority: 16 USC 1382(a); 16 USC 1540(f)

CFR Citation: 50 CFR 222.31

Legal Deadline: None

Abstract: This rule will establish as regulation a previously published Notice of Interpretation regarding minimum distances that should be maintained in the presence of humpback whales in Hawaii. Establishing a 100 yard perimeter around any of the whales while in the Hawaiian Exclusive Zone as a regulation is considered necessary given a large increase in vessel traffic and other water use activities in areas where this species historically occurs. In response to comments received in the public record, NOAA is defining two specific sites as cow/calf areas in which an approach closer than 300 yds is prohibited. This addition creates a new subsection to the rule.

Timetable:

Action	Date	FR Cite
NPRM	11/24/86	51 FR 42271
NPRM Comment Period End	12/24/86	51 FR 42271
Interim Final Rule	11/23/87	52 FR 44912
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 300 South Ferry Street, Terminal Island, CA 90731, 213 514-6201

RIN: 0648–AB79

368. SAFETY OF UNITED STATES OBSERVERS ABOARD FOREIGN FISHING VESSELS

Significance: Regulatory Program

Legal Authority: PL 99-659

CFR Citation: 50 CFR 611.8

Legal Deadline: None

Abstract: United States observers are required aboard foreign vessels permitted to fish in the U.S. Exclusive Economic Zone (EEZ). Conditions aboard these vessels can be hazardous to the safety of observers. To prevent injury to observers, the Department of Commerce intends to publish minimum safety standards that must be maintained aboard foreign fishing vessels before they will be permitted to fish in the U.S. EEZ.

The alternative to establishing U.S. standards is to accept flag-state standards as adequate. This solution will probably not be feasible because there is a wide variation in foreign safety standards and differing degrees of compliance with standards. In some cases, foreign fishing vessels meeting existing flag-state standards would not be suitable for U.S. observers.

Costs of this action will be borne by the owners of foreign fishing vessels. This action is beneficial in that it may prevent serious injury, including death, to observers during the performance of their duty.

Timetable:

Action	Date	FR Cite
NPRM	07/25/88	53 FR 27887
NPRM Comment Period End	09/08/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Washington, DC 20235, 301 427-2300

RIN: 0648–AB94

369. U.S. STANDARDS FOR GRADES OF FISH FILLETS

Significance: Agency Priority

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263; 50 CFR 267

Legal Deadline: None

Abstract: This revised rule will expand the coverage of established voluntary standards for grades of fish fillets to include a new market form or style of fillet whereby the pin-bones, the bones radiating laterally from the spinal column, are not removed. This style of fillet has become more familiar in the marketplace, resulting in the industry requesting the amendment. Responses to a previous request for comments indicate a national interest in this style of presentation. The amendment will allow this market form, bearing FDA's recommended labeling, to be inspected and reflect the U.S. Grade A mark.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1188, Emerson Ave., Gloucester, MA 01930, 508 281-3600

RIN: 0648–AC12

370. FISH AND SEAFOOD PROMOTION

Significance: Regulatory Program

Legal Authority: 16 USC 4001 to 4017 Fish & Seafood Promotion Act of 1986 (FSPA)

CFR Citation: 50 CFR 270, (new)

Legal Deadline: None

Abstract: The proposed rule describes the conditions under which seafood marketing councils for one or more species of fish or fish products authorized under the FSPA may be established and operated. The councils will be funded through self-assessment by segments of the industry represented on the council and are established through (1) application of particular sector(s) of industry to the Secretary of Commerce; (2) favorable Secretarial review of the application and (3) passage of a referendum conducted by the Secretary among sector participants. The Secretary appoints members to the councils from lists of nominees supplied by the industry. Councils will submit annual plans and budgets for species-specific marketing and promotion, including consumer education, research, and other activities. Costs to the Federal Government are estimated to range from $100,000 to $200,000 for program start-up and other initial costs to establish one council. Annual costs will vary and depend upon the number of applications received and the number of referenda conducted. Benefits to the industry may be substantial.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51284
NPRM Comment Period End	02/21/89	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Agency Contact: Thomas J. Billy, Acting Director, Office of Trade and Industry Services, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, NOAA, 1335 East-West Highway, Silver Spring, MD 20910, 301 427-2351

RIN: 0648–AC27

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371. AMENDMENT 12 TO THE FMP FOR GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 675; 50 CFR 611

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The amendment would provide for requiring all floating processors receiving fish caught in Federal waters to hold a Federal permit and make weekly reports on catch.

Timetable:

Action	Date	FR Cite
NPRM	09/06/88	53 FR 34322
NPRM Comment Period End	10/21/88	53 FR 34322
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC32

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372. AMENDMENT 17 TO THE FMP FOR GROUNDFISH OF THE GULF OF ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 672; 50 CFR 611

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The amendment would require floating processors receiving fish caught in Federal waters to hold a Federal permit, and make weekly reports on catch.

Timetable:

Action	Date	FR Cite
NPRM	09/06/88	53 FR 34322
NPRM Comment Period End	10/21/88	53 FR 34322
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: James W. Brooks, Acting Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648–AC42

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373. AMENDMENT 9 TO THE FISHERY MANAGEMENT PLAN FOR COMMERCIAL AND RECREATIONAL SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 661

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This Amendment will address: (1) allocation of chinook and coho salmon north of Cape Falcon between non-Indian commercial and recreational fisheries, (2) the ocean escapement goal for Klamath River Fall chinook, (3) clarification of steelhead management objectives, (4) revision of the notice procedure for inseason management actions, (5) framework provisions for reporting requirements for certain fishery information, and (6) provide more flexibility in setting season opening and closing dates.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 02177
NPRM Comment Period End	03/03/89	
Final Action	04/14/89	
Final Action Effective	05/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way, NE, Building 1, Seattle, WA 98115, 206 526-6159

RIN: 0648–AC49

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374. REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO - THE TORTUGAS SANCTUARY

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: None

Abstract: This amendment will reopen a portion of the Tortugas Sanctuary that has been closed to shrimp fishing.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 02175
NPRM Comment Period End	02/21/89	
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National

DOC—NOAA **Final Rule Stage**

Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC56

375. REGULATORY AMENDMENT TO CLARIFY TRIP LIMIT REGULATIONS FOR THE PACIFIC COAST GROUNDFISH AND SALMON FISHERIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663; 50 CFR 661

Legal Deadline: None

Abstract: The regulatory amendment would clarify trip limit restrictions in the groundfish and salmon fisheries off the coasts of Washington, Oregon, and California. The definitions of "land or landing" and "fishing trip" are modified to clarify trip limit restrictions, to provide consistent regulations in the two fisheries, and to facilitate enforcement.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41214
NPRM Comment Period End	11/18/88	53 FR 41214
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NWR, 7600 Sand Point Way, NE, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AC59

376. GUIDELINES FOR FISHERY MANAGEMENT PLANS (IMPLEMENTATION OF PL 99-659 - THE CONSERVATION STANDARD)

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 602

Legal Deadline: None

Abstract: Revision of regulatory guidance with regard to establishing a conservation standard for determining a biologically acceptable catch for each managed fishery. This is being considered to conform with recommendations and new administration policy.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 3031
NPRM Comment Period End	02/28/89	
Final Action	07/14/89	
Final Action Effective	08/13/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AC62

377. ● REGULATORY AMENDMENT FOR INTERACTION BETWEEN SUMMER FLOUNDER FISHERY AND ENDANGERED SPECIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Legal Deadline: None

Abstract: Regulatory amendment to establish monitoring and reporting in the summer flounder winter trawl fishery and its interaction with endangered species.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, F/NER, Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AC67

378. ● FISHERMEN'S PROTECTIVE ACT

Legal Authority: 22 USC 1980

CFR Citation: 50 CFR 258

Legal Deadline: None

Abstract: Reinstating regulations inadvertently dropped when Fishermen's Guarantee Program (whose regulations were also included in Part 258) was transferred to State Department.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2396**

RIN: 0648–AC73

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

379. DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32563
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 1825

DOC—NOAA **Final Rule Stage**

Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AB50

380. PROPOSED REGULATIONS FOR THE NATIONAL ESTUARINE RESERVE RESEARCH PROGRAM

Legal Authority: 16 USC 1461

CFR Citation: 15 CFR 921

Legal Deadline: None

Abstract: When the Coastal Zone Management Reauthorization Act of 1985 becomes effective, the existing regulations for the National Estuarine Sanctuary Program will need to be updated to reflect the changes that will occur in the program--(1) a stronger emphasis for conducting, promoting and coordinating research within the system; (2) changes the name of the program to "National Estuarine Reserve Research System"; (3) the amount of Federal financial assistance is increased to $4,000,000 per site; and (4) submission of an annual report to Congress beginning with fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	53 FR 43816
NPRM Comment Period End	12/30/88	
Final Action	03/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, **202 673-5126**

RIN: 0648–AB68

DEPARTMENT OF COMMERCE (DOC) — Completed Actions

National Oceanic and Atmospheric Administration (NOAA)

381. IMPLEMENTATION OF PL 99-659 AND OTHER RECOMMENDATIONS TO IMPROVE THE FISHERY MANAGEMENT SYSTEM - COUNCIL OPERATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 600; 50 CFR 601; 50 CFR 604; 50 CFR 605

Legal Deadline: None

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is issued to conform with recent legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21863
NPRM Comment Period End	08/09/88	53 FR 21863
Final Action	01/17/89	54 FR 1700
Final Action Effective	02/16/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries, Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, Silver Spring, MD 20910, **301 427-2334**

RIN: 0648–AB09

382. FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.14

Legal Deadline: None

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	05/01/84	49 FR 50498
NPRM Comment Period End	06/14/84	49 FR 50498
Withdrawn Will be combined with similar action - RIN 0648-AC61	02/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: None

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing.

Agency Contact: Alfred J. Bilik, Fishery Management Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1825 Connecticut Avenue, NW, Washington, DC 20235, **301 427-2339**

RIN: 0648–AB23

383. DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653, (Reserved)

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of

higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27536
NPRM Comment Period End	09/06/88	53 FR 27536
Final Action	10/07/88	53 FR 39475
Final Action Effective	11/03/88	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., FNER, Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AB30

384. RESUBMITTED PORTION OF AMENDMENT 1 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 649

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: The revised portion of the amendment will exempt Mid-Atlantic black sea bass fishing gear from the escape vent requirement in a specified fishing area east and south of Barnegat, New Jersey.

Timetable:

Action	Date	FR Cite
Withdrawn No action is anticipated during the reporting period.	02/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NER, 14 Elm Street, Federal Bldg., Gloucester, MA 01930, **508 281-3600**

RIN: 0648–AB89

385. MARINE FISHERY USER FEES

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: A marine fishery user fee system will provide a substantial and stable source of revenue to partially offset Federal fishery expenditures and information needed for effective fishery management. Fees would be collected from the sale of marine fish conservation emblems and licenses, and from an assessment on landing or delivery of fish for commercial purposes. Administration costs are estimated to be $6 million annually, with net Federal revenues of approximately $60 million. A bill entitled "The Exclusive Economic Zone Revenue Raising Act of 1988" (HR 5580) was introduced on October 21, 1988.

Timetable:

Action	Date	FR Cite
RIN Changed to Regulatory Program RIN: 0648-AB87		
Next steps depend on Congressional action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $6,000,000; Yearly Recurring Cost: $6,000,000; Base Year for Dollar Estimates: 1988

Sectors Affected: 203 Canned, Frozen, and Preserved Fruits, Vegetables, and Food Specialties

Agency Contact: John T. Everett, Chief, Program Evaluation and Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, Management and Budget Staff, NMFS, Washington, DC 20235, **202 673-5464**

RIN: 0648–AB93

386. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 658

Legal Deadline: Final, Statutory. 75 days after receipt from the fishery management council.

Abstract: This amendment will require that white shrimp taken in the Exclusive Economic Zone conform to the minimum size, landing, and possession limits of the State in which they are landed; will simplify the annual review process for the Tortugas Sanctuary; delay the Gulf of Mexico Council/Southeast Regional Director's decision on the Texas closure to February 1; and recommend expanding the sea turtle education and headstart program.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 36609
NPRM Comment Period End	10/05/88	
Final Action	12/12/88	53 FR 49992
Final Action Effective	12/13/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/SER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC17

387. FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISHES

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 644

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: The plan was prepared jointly by the South Atlantic, New England, Mid-Atlantic, Gulf and Caribbean Fishery Management Councils. It would establish a management regime for sailfish, white and blue marlin, and longbill spearfish in the Atlantic, Gulf, and Caribbean exclusive economic zone. The plan's objectives are to maintain the highest availability of billfishes to the recreational fishery, to optimize social and economic benefits by reserving billfish for its traditional use, and to improve the understanding of the condition of billfish stocks and the fishery. Proposed management measures include (1) prohibition on the sale of billfish caught from the management unit, (2) possession prohibition aboard pelagic longline and drift gill net vessels, (3) possession or retention of billfish shoreward of the outer boundary of the EEZ limited to those caught by rod and reel, (4) recreational minimum size limits, (5) mandatory catch and effort reports from billfish tournaments, and (6) a provisional limited exemption from the no-sale provision for a Puerto Rico traditional handline fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24462
NPRM Comment Period End	08/08/88	53 FR 24462
Final Action	09/28/88	53 FR 37765
Final Action Effective	10/28/88	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Analysis: Regulatory Flexibility Analysis

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648–AC24

388. AMENDMENT 2 TO THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 651

Legal Deadline: Final, Statutory.
110 days after receipt from the fishery management council.

Abstract: Amendment 2 will provide additional protection to groundfish resources in the North Atlantic beyond that provided by the FMP. The amendment is aimed at reducing fishing pressure on ten valuable fish species and rebuilding their stocks (cod; haddock; yellowtail, winter, windowpane, and witch flounders; pollock; redfish; American plaice; and white hake). Alternative management measures to be considered include increases in minimum sizes of four regulated species, establishment of a 9 inch minimum size for redfish, requirement for 5 1/2 inch minimum mesh throughout the net by October 1, 1989 in the regulated mesh area, a trip by catch limit of 25 percent of regulated species weight for vessels operating in the exempted Fisheries Program, as well as other measures.

Timetable:

Action	Date	FR Cite
Notice of hearings-request for comments	07/14/88	53 FR 26616
NPRM	11/09/88	53 FR 45301
NPRM Comment Period End	12/19/88	
Final Action	01/31/89	54 FR 4798

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, **508 281-3600**

RIN: 0648–AC26

389. FOREIGN FISHING POUNDAGE AND PERMIT FEES, 1989

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation and Mgmt. Act

CFR Citation: 50 CFR 611.22

Legal Deadline: None

Abstract: This rule will set poundage and permit fees for foreign fishing in 1989.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	53 FR 44047
NPRM Comment Period End	12/01/88	
Final Action Effective	01/01/89	
Final Action	02/15/89	54 FR 06933

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Alfred J. Bilik, Fishery Management Office, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 427-2339**

RIN: 0648–AC30

390. REGULATORY AMENDMENT TO REQUIRE REPORTING OF PACIFIC COAST GROUNDFISH LANDING TO STATES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: The regulatory amendment would make it a Federal requirement that all landings of groundfish be reported to the appropriate States in compliance with State laws.

Timetable:

Action	Date	FR Cite
NPRM	06/15/88	53 FR 22366
NPRM Comment Period End	07/11/88	53 FR 22366
Final Action	11/29/88	53 FR 47956
Final Action Effective	12/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, F/NWR, 7600 Sand Point Way, NE, Bldg. 1, Seattle, WA 98115, 206 526-6150

RIN: 0648–AC31

391. REGULATORY AMENDMENT TO DESIGNATE SPECIAL FISHING AREAS IN THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 646

Legal Deadline: None

Abstract: The regulatory amendment would establish two special management zones around artificial reefs that were requested by the Ft. Pierce Sport Fishing Club and approved by the South Atlantic Fishery Management Council. Within the fishery management plan for the snapper-grouper fishery, use of fish traps, bottom longlines, hydraulic and electric reels unless mounted on a hand-held rod would be prohibited. In addition, spear fishing on the inshore site is prohibited and possession or harvest of jewfish would be prohibited.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32412
NPRM Comment Period End	09/26/88	
Final Action	02/28/89	54 FR 8342
Final Action Effective	03/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Regional Director, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC48

392. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER- GROUPER FISHERY OF THE SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 646

Legal Deadline: Final, Statutory. 110 days after receipt from the South Atlantic Fishery Management Council.

Abstract: Amendment 1 would prohibit the use of trawl gear in the directed fishery for snapper-groupers. The ban would apply from Cape Hatteras south through the Atlantic coast of Florida to Cape Canaveral. The prohibition is aimed primarily at fishing with roller trawls which destroy sessile organisms in live-bottom areas, including sponges and sea fans.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42985
NPRM Comment Period End	12/05/88	
Final Action Effective	01/12/89	
Final Action	01/17/89	54 FR 1720

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Regional Director, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC50

393. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE RED DRUM FISHERY OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 653

Legal Deadline: Final, Statutory. 110 days after receipt from the fishery management council.

Abstract: Amendment 3 would establish a regulatory framework measure which allows the Secretary of Commerce to (1) adjust the total allowable catch in the Gulf of Mexico exclusive economic zone based upon the latest scientific assessment of the status of the stock, and (2) allocate the available catch between commercial and recreational users according to a preestablished allocation schedule.

Timetable:

Action	Date	FR Cite
Withdrawn - no action anticipated during the reporting period	02/24/89	
NPRM	08/00/89	
NPRM Comment Period End	09/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Joseph W. Angelovic, Acting Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 893-3141

RIN: 0648–AC58

394. REGULATORY AMENDMENT TO INSTITUTE A CERTIFICATION PROGRAM FOR THE IMPORTATION OF WHOLE UNDERSIZED ATLANTIC GROUNDFISH

Significance: Regulatory Program

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 651

Legal Deadline: None

Abstract: The regulatory amendment to the Northeast Multispecies FMP would institute a certification program to allow for the importation of whole Atlantic groundfish smaller than the minimum size for U.S. harvested groundfish. The program would track the imported fish from its foreign supplier to its U.S. processor-purchaser in order to ensure enforcement of minimum size limits on domestic harvests of regulated groundfish species.

Timetable:

Action	Date	FR Cite
Withdrawn - no action anticipated during reporting period	02/15/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard B. Roe, Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, 14 Elm Street, Gloucester, MA 01930-3799, 508 281-3600

RIN: 0648–AC60

395. PROPOSED REGULATIONS FOR THE NATIONAL MARINE SANCTUARY PROGRAM

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: As a result of the Marine Protection, Research and Sanctuaries Act reauthorization signed by the President the regulations are being revised to incorporate modifications from the new legislation regarding the sanctuary designation process.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21369
Final Action	10/28/88	53 FR 43802
Final Action Effective	11/28/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Joseph A. Uravitch, Chief, Marine and Estuarine Management Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW, Suite 714, Washington, DC 20235, 202 673-5126

RIN: 0648–AA31

396. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Significance: Regulatory Program

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 970, (Exploration Regulations); 15 CFR 971

Legal Deadline: None

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations (15 CFR 971), prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	07/25/86	51 FR 26794
Public Hearings, 08/26/86, 09/11/86	09/09/86	51 FR 26794
NPRM Comment Period End	11/24/86	
NPRM	09/14/87	52 FR 34748
Final Action	01/06/89	54 FR 514
Final Action Effective	02/06/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Steel Works, Blast Furnaces, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Analysis: Regulatory Impact Analysis; See Additional Information

Additional Information: A final RIA has been prepared for the commercial regulations to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The final RIA is available as is the programmatic environmental impact statement and the supplemental environmental assessment. After considering public comments on the proposed major rule, NOAA determined that certain issues were significantly different than the proposed rules. Those limited issues were reproposed for further public comment prior to NOAA's issuing the final regulations.

Agency Contact: James P. Lawless, Chief, Oceans Minerals and Energy Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 1825 Connecticut Ave., NW, Suite 710, Washington, DC 20235, 202 673-5121

RIN: 0648–AA36

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Proposed Rule Stage

397. ● FOREIGN FILING LICENSE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 35 USC 6; PL 100-418, Sec 9101(c)

CFR Citation: 37 CFR 5.14; 37 CFR 5.15; 37 CFR 5.25

Legal Deadline: None

Abstract: Amends regulations to conform with changes made in Trade Bill (Public Law 100-418) Section 9101 which amended Title 35, United States

Code sections 184, 185 and 186. The legislation deleted "inadvertently" in view of narrow interpretation by the Courts. "Inadvertently" was replaced with "through error and without deceptive intent." The change would permit additional subject matter in foreign applications if it does not change the nature of the invention or disclose national security information.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	
NPRM Comment Period End	06/01/89	
Final Action	11/00/89	
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Kenneth Cage, Director, Group 220, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-2877

RIN: 0651–AA09

398. DUTY OF DISCLOSURE - INFORMATION DISCLOSURE STATEMENT

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.56; 37 CFR 1.97; 37 CFR 1.98; 37 CFR 1.99

Legal Deadline: None

Abstract: 37 CFR 1.56 and 1.97-1.99, which relate to the duty of patent applicants and owners to disclose information material to the examination of patent applications or to reexaminations, will be amended to specify more clearly the requirements to be met in making disclosures.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651–AA27

399. MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.12; 37 CFR 1.84; 37 CFR 1.88

Legal Deadline: None

Abstract: Clarifications to requirements for patent application drawings. Revisions for addressing mail to the Patent and Trademark Office. Inclusion of security agreement recording in trademark records of ownership (assignments).

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	
NPRM Comment Period End	06/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Theresa A. Brelsford, Assistant Commissioner for Administration, Department of Commerce, Patent and Trademark Office, 2121 Crystal Drive, PK2 908, Arlington, VA 20231, 703 557-2290

RIN: 0651–AA34

400. AMENDMENTS OF PATENT AND TRADEMARK RULES CONCERNING JUDICIAL REVIEW OF DECISIONS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.136; 37 CFR 1.191; 37 CFR 1.196; 37 CFR 1.197; 37 CFR 1.304; 37 CFR 1.550; 37 CFR 1.645; 37 CFR 1.658; 37 CFR 2.129; 37 CFR 2.144; 37 CFR 2.145

Legal Deadline: None

Abstract: PTO proposes to amend its rules to clarify when a decision of the Board of Patent Appeals and Interferences becomes final for purposes of judicial review. The proposed rule changes will eliminate any confusion as to when judicial review must be sought and standardizes the manner of obtaining extensions of time to seek judicial review of decisions of the Board of Appeals and Interferences and Trademark Trial and Appeal Board.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Schafer, Associate Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4035

RIN: 0651–AA35

401. AMENDMENTS OF TRADEMARK RULES GOVERNING INTER PARTES PROCEEDINGS; MISCELLANEOUS AMENDMENTS OF OTHER TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.92; 37 CFR 2.102(c); 37 CFR 2.119(d), (New); 37 CFR 2.119(e), (New); 37 CFR 2.120(d); 37 CFR 2.120(g); 37 CFR 2.120(j)(3); 37 CFR 2.120(j)(5); 37 CFR 2.120(j)(8); 37 CFR 2.123(c); 37 CFR 2.123(e)(2); 37 CFR 2.127(e)(1), (New); 37 CFR 2.127(e)(2), (New); 37 CFR 2.128(b); 37 CFR 2.186; ...

Legal Deadline: None

Abstract: The rules of practice in trademark cases are proposed to be amended to revise, simplify, clarify, or delete existing rules or to codify in rules certain practices which are currently in effect. The rules involved are those relating to the requirements for concurrent use applications; abandonment of trademark applications; appeals to the TTAB from the final refusal of registration in ex parte cases; the institution and conduct of interference, concurrent use, opposition, and cancellation proceedings before the TTAB; review by civil action of a decision of the TTAB; and allowing an assignee to take action with respect to the assigned application or registration. The proposed amendments will assist the orderly and prompt resolution of issues in proceedings before the TTAB.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Box 5, Trademark Trial and Appeal Board, Washington, DC 20231, 703 557-3551

RIN: 0651–AA36

402. REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING DNA/RNA AND PROTEIN SEQUENCE DISCLOSURES

Significance: Agency Priority

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.221, (New); 37 CFR 1.222, (New); 37 CFR 1.223, (New); 37 CFR 1.224, (New); 37 CFR 1.225, (New)

Legal Deadline: None

Abstract: The rules would require the submission of DNA/RNA and protein sequences to be in a standard format in patent applications, to be in a separate part and also be submitted in electronic form such as diskette or tape. The submissions would simplify search, examination and publication and would facilitate the establishment of a searchable data base.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	
Final Action	09/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: John Kittle, Director, Group 180, Department of Commerce, Patent and Trademark Office, CP2-9A09, Washington, DC 20231, 703 557-3637

RIN: 0651–AA37

403. ● AMENDMENTS OF THE TRADEMARK RULES TO IMPLEMENT THE TRADEMARK LAW REVISION ACT AND THE "CROCKER" DECISION AND MISCELLANEOUS TRADEMARK RULE AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1123; PL 100-667

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.51; 37 CFR 2.61; 37 CFR 2.64; 37 CFR 2.71; 37 CFR 2.76, (New); 37 CFR 2.77, (New); 37 CFR 2.81, (New); 37 CFR 2.87; 37 CFR 2.88, (New); 37 CFR 2.89, (New); 37 CFR 2.129; 37 CFR 2.133; 37 CFR 2.181; ...

Legal Deadline: Final, Statutory, November 16, 1989.
The effective date of the Trademark Revision Act of 1988 (P.L. 100-667) is November 16, 1989, by which date implementing rules must be final.

Abstract: The rules of practice in trademark cases are proposed to be amended to implement the provisions of the Trademark Law Revision Act of 1988 (P.L. 100-667), to codify changes in practice resulting from a certain Trademark Trial and Appeal Board decision commonly known as the "Crocker" decision (relating to requirements for foreign applicants seeking to register trademarks in the United States), and to otherwise clarify and revise procedures for the examination of applications. The rules involved are those relating to applications for registration of trademarks based on (1) use of a mark in commerce, (2) a bona fide intention to use a mark in commerce, and (3) ownership of a foreign registration. The rules involved relate also to post-registration procedures and to ex parte appeals and inter partes proceedings before the Trademark Trial and Appeal Board.

Timetable:

Action	Date	FR Cite
NPRM	03/00/89	
NPRM Comment Period End	05/00/89	
Final Action	08/00/89	
Final Action Effective	11/16/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Carlisle E. Walters, Legal Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Box 5, Washington, DC 20231, 703 557-3061

RIN: 0651–AA38

404. ● PATENT AND TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Significance: Regulatory Program

Legal Authority: 35 USC 6; 35 USC 41; 15 USC 1113; PL 100-703

CFR Citation: 37 CFR 1.21; 37 CFR 2.6

Legal Deadline: None

Abstract: PTO proposes to establish a reasonable user fee for access to its automated full-text patent search system and automated trademark search system in its public facilities in Arlington, Virginia.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Frances Michalkewicz, Director, Office of Long Range Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-1610

RIN: 0651–AA40

405. ● PATENT TERM EXTENSION FOR ANIMAL DRUG PRODUCTS

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 156; PL 100-670

CFR Citation: 37 CFR 1.710; 37 CFR 1.720; 37 CFR 1.740; 37 CFR 1.741; 37 CFR 1.765; 37 CFR 1.775; 37 CFR 1.778,(new); 37 CFR 1.779,(new); 37 CFR 1.785

Legal Deadline: None

Abstract: Changes are proposed to existing rules relating to patent term extension to implement the Generic Animal Drug and Patent Term Restoration Act, Pub. L. 100-670 (November 16, 1988).

Existing procedures and requirements will be applied to applications for patent term extension based on regulatory approval of new animal drugs or veterinary biological products.

DOC—PTO — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9507
NPRM Comment Period End	05/01/89	
Final Action	07/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Van Horn, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, 703 557-2317

RIN: 0651–AA42

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

406. VARIETY DENOMINATION REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 41; 35 USC 6

CFR Citation: 37 CFR 1.17; 37 CFR 1.72; 37 CFR 1.168

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
Notice	12/27/85	50 FR 52963
NPRM	11/02/87	52 FR 42016
NPRM Comment Period End	01/08/88	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Michael K. Kirk, Assistant Commissioner for External Affairs, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3065

RIN: 0651–AA12

407. DEPOSIT OF BIOLOGICAL MATERIALS FOR PATENT PURPOSES

Significance: Regulatory Program

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.200 (New); 37 CFR 1.201 (New); 37 CFR 1.202 (New); 37 CFR 1.203 (New); 37 CFR 1.204 (New); 37 CFR 1.205 (New); 37 CFR 1.206 (New); 37 CFR 1.207 (New); 37 CFR 1.208 (New)

Legal Deadline: None

Abstract: PTO will propose amendment of its rules of practice in patent cases to govern the deposit of biological materials for patent purposes.

Timetable:

Action	Date	FR Cite
ANPRM	09/09/87	52 FR 34080
ANPRM Comment Period End	11/30/87	
NPRM	10/06/88	53 FR 39420
NPRM Comment Period End	01/09/89	
Final Action	04/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Charles E. Van Horn, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-4035

RIN: 0651–AA13

408. REQUESTS FOR RECONSIDERATION IN PATENT AND TRADEMARK OFFICE DISCIPLINARY PROCEEDINGS

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 32; 35 USC 34; 35 USC 41

CFR Citation: 37 CFR 10.156

Legal Deadline: None

Abstract: The proposed rule change will prescribe the date on which the decision of the Commissioner of Patents and Trademarks in a PTO disciplinary proceeding becomes final agency action for purposes of judicial review. It will also provide for one request for reconsideration or modification of such decision by a party.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38740
NPRM Comment Period End	12/01/88	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harris A. Pitlick, Associate Solicitor, Department of Commerce, Patent and Trademark Office, Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4035

RIN: 0651–AA33

409. ● EXHAUSTION OF ADMINISTRATIVE REMEDIES IN PATENT AND TRADEMARK OFFICE DISCIPLINARY PROCEEDINGS

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 32; 35 USC 41

CFR Citation: 37 CFR 10.155; 37 CFR 10.157

Legal Deadline: None

Abstract: Proposed amendments will clarify that a respondent dissatisfied with the initial decision by the administrative law judge in a PTO disciplinary proceeding must exhaust administrative remedies before seeking judicial review under 35 USC 32.

DOC—PTO

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/28/88	53 FR 52438
NPRM Comment Period End	02/27/89	
Final Action	05/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harris A. Pitlick, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, 703 557-4035

RIN: 0651–AA41

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed Actions

410. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Legal Deadline: None

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27177
NPRM Comment Period End	09/20/88	
Final Action	11/25/88	53 FR 47685
Final Action Effective	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, 703 557-4035

RIN: 0651–AA04

411. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Legal Deadline: None

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527
Will be merged with RIN 0651-AA40	02/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared. Will be merged with new entry - Patent and Trademark Automated Search System Fees Authorized by Pub. L. 100-703.

Agency Contact: Bradford R. Huther, Asst. Commissioner for Finance & Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-1572

RIN: 0651–AA18

412. TRADEMARK APPLICATIONS PURSUANT TO 15 USC 1126

Significance: Regulatory Program

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984); In re International Barrier Corp., 231 USPQ 310 (TTAB 1986); In re ETA Systems, Inc., 2 USPQ 2d 1367 (TTAB 1987)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Legal Deadline: None

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decisions of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984), in re International Barrier Corp., 231 USPQ 310 (1986) and in re ETA Systems, Inc., 2 USPQ 2d 1367 (1987).

Timetable:

Action	Date	FR Cite
Will be merged with RIN 0651-AA38	02/24/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: See Additional Information

Additional Information: Neither an RIA nor an RFA is required or will be prepared. Will be merged with new entry - Amendments of the Trademark Rules to Implement the Trademark Law Revision Act and the Crocker Decision and Miscellaneous Trademark Rule Amendments.

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3061

RIN: 0651–AA23

413. REVISION OF PATENT FEES

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 41; 35 USC 376

CFR Citation: 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.24; 37 CFR 1.26; 37 CFR 1.297; 37 CFR 1.445; 37 CFR 1.482

Legal Deadline: None

Abstract: PTO plans to propose amendments of its rules of practice in patent cases to adjust patent fees effective October 1, 1988, to reflect the fluctuations in the Consumer Price Index during the previous three years.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48402
NPRM Comment Period End	01/04/89	53 FR 48402
Final Action	02/15/89	54 FR 06893
Final Action Effective	04/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: Frances Michalkewicz, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-1610

RIN: 0651–AA30

414. PRACTICE BEFORE THE PATENT AND TRADEMARK OFFICE

Significance: Agency Priority

Legal Authority: 35 USC 6; 35 USC 31; 35 USC 32; 5 USC 500; 15 USC 1123

CFR Citation: 37 CFR 10.5; 37 CFR 10.6; 37 CFR 10.23

Legal Deadline: None

Abstract: PTO proposes to amend its rules governing the admission of officers and employees of the United States to the register of attorneys and agents authorized to practice before the PTO in patent cases, and the practice of former PTO employees before the Office. The amendment would eliminate a restriction excluding Federal employees from registration which has been held invalid on judicial review. Provisions affected by the elimination of that restriction would also be amended.

Timetable:

Action	Date	FR Cite
NPRM	06/07/88	53 FR 20871
NPRM Comment Period End	08/09/88	53 FR 20871
Final Action	10/04/88	53 FR 38948
Final Action Effective	11/04/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Nancy C. Slutter, Assistant Solicitor, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-4035

RIN: 0651–AA31

415. MISCELLANEOUS CHANGES IN PATENT PRACTICE

Significance: Agency Priority

Legal Authority: 35 USC 6; 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 1.4; 37 CFR 1.5; 37 CFR 1.53; 37 CFR 1.56; 37 CFR 1.81; 37 CFR 1.84; 37 CFR 1.85; 37 CFR 1.152; 37 CFR 1.376; 37 CFR 1.421; 37 CFR 1.480

Legal Deadline: None

Abstract: PTO proposes to amend its regulations to make miscellaneous changes in patent practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/88	53 FR 16522
NPRM Comment Period End	07/21/88	53 FR 16522
Final Action	11/28/88	53 FR 47803
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Louis O. Maassel, Editor, MPEP, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, 703 557-3070

RIN: 0651–AA32

DEPARTMENT OF COMMERCE (DOC)

Technology Administration (TA)

Prerule Stage

416. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

Significance: Agency Priority

Legal Authority: EO 10096; EO 10930; 35 USC 207 to 208; 15 USC 3701 et seq

CFR Citation: 37 CFR 100

Legal Deadline: None

Abstract: PL 99-502 amended the Stevenson-Wydler Innovation Act of 1980 by establishing a number of procedures to encourage the development of technologies by laboratories owned or operated by the Federal government, to facilitate the transfer of such technologies to the public, and to promote cooperation between these laboratories and the private sector.

Executive Order 10096 would be amended with regard to the government's rights to ownership of inventions created in laboratories owned or operated by the Federal government. A revised version of the executive order might be prepared and regulations would be developed to implement the amendments effected by PL 99-502.

This action will not increase Federal costs. In the short run it will encourage private sector collaboration to assist work done in Federal laboratories by appropriated funds, and in the long run increased commercialization of patents and inventions will increase tax revenues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Joseph P. Allen, Director, Office of Federal Technology Management, Department of Commerce, Technology Administration, Room H

DOC—TA

Prerule Stage

4837, Washington, DC 20230, 202 377-8101

RIN: 0692–AA05

417. ● METRIC CONVERSION POLICY FOR FEDERAL AGENCIES

Significance: Regulatory Program

Legal Authority: 15 USC 205a et seq Metric Conversion Act

CFR Citation: 15 CFR 19 Subpart B (Revised)

Legal Deadline: Other, Statutory, September 30, 1992.
15 USC 205(1) (as amended by sec. 5164 of PL 100-418) calls for the Comptroller General to review the implementation of the amended policy and report his finding to Congress along (cont)

Abstract: The CFR must be updated to reflect the new Federal policy, as amended by the 1988 Trade Act (PL 100-48), regarding Federal use of the metric system in its procurements, grants and other business-related activities, and the impact on State and local governments and the private sector of this transition. No alternatives are being considered.

The costs to the Federal government cannot be accurately estimated, but will include the cost of redoing some regulations and publications, costs associated with orienting employees and contractors to use of the metric system and some share of contractor costs for converting. The benefits will be the greater marketability of U.S. products which will improve our competitive posture in world markets and thereby improve U.S. trade balances.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/89	
ANPRM Comment Period End	07/31/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: LEGAL DEADLINE DESCRIPTION CONT: with any legislative recommendation.

Agency Contact: Jack Williams, Acting Director, Office of Commercial Affairs, Department of Commerce, Technology Administration, Room 4814B, Washington, DC 20230, 202 377-1091

RIN: 0692–AA07

DEPARTMENT OF COMMERCE (DOC)
Technology Administration (TA)

Proposed Rule Stage

418. LICENSING OF GOVERNMENT-OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Legal Deadline: None

Abstract: This action will revise 37 CFR 404 to simplify the process by which U.S. industry can obtain license to patented inventions owned by the Government. PL 99-502 is expected to increase industry interest in licensing inventions from Federal laboratories. The existing regulation was written by GSA on the basis of 1980 legislation. It may be possible to remove some of the difficulties that potential licensees must overcome.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Joseph P. Allen, Director, Office of Federal Technology Management, Department of Commerce, Technology Administration, Room H 4837, Washington, DC 20230, 202 377-8101

RIN: 0692–AA04

DEPARTMENT OF COMMERCE (DOC)
United States Travel and Tourism Administration (USTTA)

Prerule Stage

419. TRAVEL PROMOTION FEE

Significance: Regulatory Program

Legal Authority: Not yet enacted

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: USTTA has primary Federal responsibility for stimulating U.S. export earnings through trade in tourism. Trade development coordination and other related services are currently provided without charge, however, various public and private sector partners do support USTTA cooperative programs at a level nearly equal the funding provided the agency by Congress. The Administration has directed USTTA to undertake efforts to replace funding it receives from general Treasury revenue with monies raised by assessing a facilitation fee derived from the economic activities of the American travel industry and its consumers. Upon enactment of this legislation USTTA will issue implementing regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Eric C. Peterson, Dpty. Under Secretary for Travel and Tourism, Department of Commerce, United States Travel and Tourism Administration, Room 1865, Washington, DC 20230, 202 377-0140

RIN: 0644–AA00

[FR Doc. 89-5835 Filed 04-21-89; 8:45 am]
BILLING CODE 3510-BW-T

Federal Register

Monday
April 24, 1989

Part V

Department of Defense

Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE (DOD)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, DoD.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objective and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and, therefore, are published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published on October 24, 1988, and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in October 1989. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information, contact Mrs. Pearl Rascoe-Harrison, telephone 202-746-0933 or write to Directorate for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact the Office of the General Counsel, DoD, Washington, DC 20301, or call 202-697-2714.

For general information on Office of the Secretary regulations, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives, Directorate, Washington Headquarters Services, telephone 202-697-4111.

For general information on Department of the Army regulations, contact Mr. Kenneth L. Denton, telephone 202-325-6297 or write to HQDA, ASQZ-SPP, Room 1420, Hoffman I, Alexandria, Virginia 22331-0302.

For general information on Department of the Navy regulations, contact Ms. Alcinda P. Wenberg, telephone 202-697-7216 or write to Department of the Navy, Information Resources Management, IRM(C), Washington, DC 20350-1000.

For general information on Department of the Air Force regulations, contact Ms. Patsy J. Conner, telephone 202-694-3527 or write to Department of the Air Force, SAF/AADA, Pentagon, Washington, DC 20330-1000.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences among the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act;

b. Paperwork Reduction Act; and

c. GATT International Trade Agreement.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports in this agenda will contain four sections: (1) Prerule stage; (2) proposed rule stage; (3) final rule stage; and (4) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce the economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, the Department of Defense reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

Dated: February 24, 1989.

D. O. Cooke,

Director, Administration and Management.

DOD

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
420	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Implementation of Section 504 of PL 93-112, the Rehabilitation Act of 1973 (DoD 6010.8-R)	0790-AA71
421	Commercial Activities Program; Procedures (DoD Instruction 4100.33)	0790-AA73
422	Defense Industrial Personnel Security Clearance Review Program (DoD Directive 5220.6)	0790-AA84
423	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Per Diem Based Payment Method for Mental Health Services (DoD 6010.8-R)	0790-AB06

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
424	Implementation of the Program Fraud Civil Remedies Act (DoD Directive 5505.5)	0790-AA82
425	Department of Defense (DoD) Program Fraud Civil Remedies Regulation (DoD Directive 5505.xx)	0790-AA83
426	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Updating CHAMPUS Prevailing Charges (DoD 6010.8-R)	0790-AB05
427	Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Changes to the CHAMPUS DRG-Based Payment System and Fiscal Year 1989 Rates (DoD 6010.8-R)	0790-AB07
428	Housing Referral Offices and Services (DoD Instruction 4165.51)	0790-AB22
429	The DoD Civilian Equal Opportunity (EEO) Program (DoD Directive 1440.1)	0790-AB23
430	Assistant Secretary of Defense (Research and Technology) (DoD Directive 5129.3)	0790-AB24
431	Gifts from Foreign Governments (DoD Directive 1005.13)	0790-AB25
432	Assistant Secretary of Defense (Development and Support) (DoD Directive 5129.4)	0790-AB26
433	Availability of Records and Publication of Documents Affecting the Public	0790-AB27

Department of the Army—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
434	The Army General Counsel's Honors Program	0702-AA00
435	Airfield Certification and Use of Army Airfields by Other than U.S. Department of Defense Aircraft	0702-AA02

Department of the Army—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
436	Regulations Affecting Military Reservations: Prohibited Activities at Fort Bragg, NC	0702-AA17

U.S. Army Corps of Engineers—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
437	Regulatory Programs of the Corps of Engineers, Part 325, Appendix D--Endangered Species Counterpart Regulations	0710-AA17
438	Nationwide Permit Program	0710-AA20

DOD

U.S. Army Corps of Engineers—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
439	Regulatory Programs of the Corps of Engineers Part 325, App. C, Historic Properties	0710-AA12

Department of the Air Force—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
440	Public Affairs Policies and Procedures (AFR 190-1)	0701-AA18
441	Claims and Tort Litigation (AFR 112-1)	0701-AA19

Department of the Air Force—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
442	Air Force Supplement to the Federal Acquisition Regulation (FAR)	0701-AA14

Department of the Air Force—Completed Actions

Sequence Number	Title	Regulation Identifier Number
443	Leasing USAF Aircraft and Related Equipment to Nongovernment Organizations	0701-AA26

DEPARTMENT OF DEFENSE (DOD)

Final Rule Stage

Office of the Secretary (OS)

420. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); IMPLEMENTATION OF SECTION 504 OF PL 93-112, THE REHABILITATION ACT OF 1973 (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301; 29 USC 794

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: The purpose of this rule is to revise the DoD Regulation 6010.8-R (32 CFR 199) to meet the intent of Section 504 of the Rehabilitation Act of 1973, as amended.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	51 FR 39757
NPRM Comment Period End	12/01/86	51 FR 39757
Final Action	11/30/89	
Final Action Effective	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: T. Shahid, Department of Defense, Office of the Secretary, **303 361-3587**

RIN: 0790-AA71

421. COMMERCIAL ACTIVITIES PROGRAM; PROCEDURES (DOD INSTRUCTION 4100.33)

Legal Authority: 5 USC 301; 5 USC 552; PL 93-400

CFR Citation: 32 CFR 169

Legal Deadline: None

Abstract: This part establishes DoD policies to implement OMB Circular No. A-76, which are currently included in 32 CFR Part 169. It establishes procedures and criteria for use by the Department of Defense to determine whether DoD commercial activities should be performed by DoD personnel in-house or by contract with commercial sources. 32 CFR Part 169, "Commercial Activities Program" and 32 CFR Part 169a, "Commercial Activities Program Procedures" are proposed to be removed in their entirety.

DOD—OS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/03/86	51 FR 43619
NPRM Comment Period End	01/02/87	51 FR 43620
Final Action	11/30/89	
Final Action Effective	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: D. Hansen, Department of Defense, Office of the Secretary, **202 325-0537**

RIN: 0790–AA73

422. DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Legal Deadline: None

Abstract: This part is being revised and reissued to establish a standard for determining petitions for reimbursement for loss of earnings, incorporate the revised DoD Adjudication Policies for security clearance determinations under this rule, and revise procedures for cases not requiring a hearing, and procedures for considering issues raised on appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16864
NPRM Comment Period End	06/05/87	52 FR 16864
Final Action	11/30/89	
Final Action Effective	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Brown, Department of Defense, Office of the Secretary, **202 696-4599**

RIN: 0790–AA84

423. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); PER DIEM BASED PAYMENT METHOD FOR MENTAL HEALTH SERVICES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This proposed rule, if adopted, would revise the comprehensive CHAMPUS regulation to establish a new method of paying for mental health hospital care. Rather than continuing to pay billed charges, the new method would pay hospitals based on prospectively set fixed rates for each day of hospital services provided. These per diem rates would be calculated to be revenue neutral in the base period of calculation, with full adjustments for price inflation. The result will be nearly revenue neutral in fiscal year 1989 with respect to CHAMPUS payments for inpatient mental health services.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20585
NPRM Comment Period End	07/05/88	53 FR 20585
Final Action	11/30/89	
Final Action Effective	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Regensberg, Department of Defense, Office of the Secretary, **303 361-3572**

RIN: 0790–AB06

DEPARTMENT OF DEFENSE (DOD)

Office of the Secretary (OS)

Completed Actions

424. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT (DOD DIRECTIVE 5505.5)

Legal Authority: 31 USC 3807

CFR Citation: 32 CFR 277

Legal Deadline: None

Abstract: This part implements Program Fraud Civil Remedies Act by establishing an administrative process within the Departments of the Army, Navy, and Air Force for the adjudication of fraudulent claims of less than $150,000 or false statements.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26692
NPRM Comment Period End	08/17/87	52 FR 26692
Final Action Effective	08/30/88	
Final Action	10/06/88	53 FR 39262

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. Sterlacci, Department of Defense, Office of the Secretary, **202 697-2714**

RIN: 0790–AA82

425. DEPARTMENT OF DEFENSE (DOD) PROGRAM FRAUD CIVIL REMEDIES REGULATION (DOD DIRECTIVE 5505.XX)

Legal Authority: 31 USC 3807; PL 99-509

CFR Citation: 32 CFR 277

Legal Deadline: None

Abstract: This part establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious or fraudulent claims or written statements to authorities or to their agents. It also specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

Timetable:

Action	Date	FR Cite
NPRM	07/16/87	52 FR 26693
NPRM Comment Period End	08/17/87	52 FR 26693
Withdrawn	10/06/88	53 FR 39262

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 32 CFR Part 276 is removed and incorporated into Part 277.

Agency Contact: M. Sterlacci, Department of Defense, Office of the Secretary, **202 697-2714**

RIN: 0790–AA83

DOD—OS

Completed Actions

426. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); UPDATING CHAMPUS PREVAILING CHARGES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This final rule revises DoD 6010.8-R to allow the Secretary of Defense increased flexibility regarding the timing of updates to the prevailing charge levels which limit the amounts that are payable under CHAMPUS for professional services.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	06/03/88	53 FR 20592
NPRM	07/05/88	53 FR 20592
Final Action	08/17/88	53 FR 30994
Final Action Effective	09/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Gallegos, Department of Defense, Office of the Secretary, **303 361-3005**

RIN: 0790–AB05

427. CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); CHANGES TO THE CHAMPUS DRG-BASED PAYMENT SYSTEM AND FISCAL YEAR 1989 RATES (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Legal Deadline: None

Abstract: This final rule changes CHAMPUS DRG-based payment system which was implemented on October 1, 1987. Some of these changes are necessary as a result of our experience with the system or to conform to a number of recent statutory changes affecting the Medical Prospective Payment System (PPS) upon which the CHAMPUS DRG-based payment system is modeled. Other changes expand the scope of the DRG-based payment system.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20576
NPRM Comment Period End	07/05/88	53 FR 20576
Final Action	08/31/88	53 FR 33461
Final Action Effective	10/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: S. Isaacson, Department of Defense, Office of the Secretary, **303 361-4005**

RIN: 0790–AB07

428. ● HOUSING REFERRAL OFFICES AND SERVICES (DOD INSTRUCTION 4165.51)

Legal Authority: 5 USC 301

CFR Citation: 32 CFR 239b

Legal Deadline: None

Abstract: 32 CFR Part 239b is removed in its entirety. It has served the purpose for which it was intended and is no longer required.

Timetable:

Action	Date	FR Cite
Final Action Effective	07/25/88	
Final Action	08/15/88	53 FR 30676

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: L. Bynum, Department of Defense, Office of the Secretary, **202 697-4111**

RIN: 0790–AB22

429. ● THE DOD CIVILIAN EQUAL OPPORTUNITY (EEO) PROGRAM (DOD DIRECTIVE 1440.1)

Legal Authority: 5 USC 301; 10 USC 113

CFR Citation: 32 CFR 191

Legal Deadline: None

Abstract: This part establishes the Civilian Equal Employment Opportunity (EEO) Program within the Department of Defense. It authorizes special emphasis programs for women, minorities, and persons with disabilities and establishes the Defense Equal Opportunity Council, the Civilian EEO Review Board, and Special Emphasis Program Boards.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/21/87	53 FR 30990
Final Action	08/17/88	53 FR 30990

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Haughton, Jr., Department of Defense, Office of the Secretary, **202 695-0105**

RIN: 0790–AB23

430. ● ASSISTANT SECRETARY OF DEFENSE (RESEARCH AND TECHNOLOGY) (DOD DIRECTIVE 5129.3)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 351b

Legal Deadline: None

Abstract: The position of Assistant Secretary of Defense (Research and Technology) has been disestablished, therefore, 32 CFR Part 351b is no longer required.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43201
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: L. Bynum, Department of Defense, Office of the Secretary, **202 697-4111**

RIN: 0790–AB24

431. ● GIFTS FROM FOREIGN GOVERNMENTS (DOD DIRECTIVE 1005.13)

Legal Authority: 10 USC 113

CFR Citation: 32 CFR 95

Legal Deadline: None

Abstract: This Part is issued to reflect revised General Services Administration (GSA) regulations concerning the acceptance of gifts from foreign governments and their limits of monetary value.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/13/88	53 FR 45085
Final Action	11/08/88	53 FR 45085

DOD—OS

Completed Actions

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: R. Kennedy, Department of Defense, Office of the Secretary, **202 697-1142**

RIN: 0790–AB25

432. ● ASSISTANT SECRETARY OF DEFENSE (DEVELOPMENT AND SUPPORT) (DOD DIRECTIVE 5129.4)

Legal Authority: 10 USC 136

CFR Citation: 32 CFR 351c

Legal Deadline: None

Abstract: The position of Assistant Secretary of Defense (Development and Support) has been disestablished, therefore, 32 CFR Part 351c is no longer valid.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43201
Final Action Effective	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: L. Bynum, Department of Defense, Office of the Secretary, **202 697-4111**

RIN: 0790–AB26

433. ● AVAILABILITY OF RECORDS AND PUBLICATION OF DOCUMENTS AFFECTING THE PUBLIC

Legal Authority: 5 USC 552

CFR Citation: 32 CFR 701 Subparts A to D

Legal Deadline: None

Abstract: This rule sets forth amended regulations pertaining to the Department of the Navy Freedom of Information Act Programs.

Timetable:

Action	Date	FR Cite
Final Action	12/27/88	53 FR 52139
Final Action Effective	12/27/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Doris M. Lama, Department of Defense, Office of the Secretary, Office of Chief of Naval Operations, Washington, DC 20350-2000, **202 694-2004**

RIN: 0790–AB27

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Prerule Stage

434. THE ARMY GENERAL COUNSEL'S HONORS PROGRAM

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Legal Deadline: None

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed. The document explains the methods of application and the requirements and procedures for the appointment to that office.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, **202 695-0562**

RIN: 0702–AA00

435. AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN U.S. DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Prescribes responsibilities and procedures with regard to use of U.S. Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Robert C. Cole, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, **703 272-7796**

RIN: 0702–AA02

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Final Rule Stage

436. REGULATIONS AFFECTING MILITARY RESERVATIONS: PROHIBITED ACTIVITIES AT FORT BRAGG, NC

Legal Authority: 10 USC 3012

CFR Citation: 32 CFR 552

Legal Deadline: None

Abstract: This regulation establishes the criteria for enforcement of certain State laws and installation rules pertaining to driving offenses and hunting and fishing privileges on the Fort Bragg installation. This regulation provides guidance on motor vehicle offenses and the requirements to obtain hunting and fishing privileges for anyone (military or civilian) employed on, visiting, or traveling through the above reservation.

DOD—DOA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	09/01/89	
Final Action Effective	09/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John O. Roach, Army Liaison Officer with the Federal Register, Department of Defense, Department of the Army, HQDA, SFIS-APP, Alexandria, VA, 703 325-6297

RIN: 0702–AA17

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Proposed Rule Stage

437. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS, PART 325, APPENDIX D--ENDANGERED SPECIES COUNTERPART REGULATIONS

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix D

Legal Deadline: None

Abstract: Procedures for the protection of endangered species in the regulatory program of the Corps of Engineers. Because of the increased emphasis being placed on endangered species by the Federal and State resource agencies, the Corps identified a need to provide more definitive guidance on implementing the Endangered Species Act (ESA) in its regulatory program. The Corps is now developing counterpart regulations with the Department of Interior. The regulations will basically bring together various guidance used in the past by both the Corps and DOI. The regulations will include guidance on how the ESA Amendments impact applicants for Federal permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Regulation Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA17

438. NATIONWIDE PERMIT PROGRAM

Significance: Regulatory Program

Legal Authority: 33 USC 401; 33 USC 403; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 330

Legal Deadline: None

Abstract: The Corps intends to propose revisions to 33 CFR 330. The intent of the proposed revisions will be to simplify and clarify the nationwide permit program of the Corps. The nationwide permit program is designed to authorize projects that have minimal impacts with little or no paperwork or delay. Section 330 of the regulation has become so complex that this goal is no longer being met.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	05/00/89	
Final Action	12/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam Collinson, Chief, Regulations Section, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA20

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Final Rule Stage

439. REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS PART 325, APP. C, HISTORIC PROPERTIES

Legal Authority: 33 USC 401; 33 USC 1344; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Legal Deadline: None

Abstract: Procedure for protection of historic properties and compliance with Sections 106 and 110(f) of the National Historic Preservation Act.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
NPRM Comment Period End	06/04/84	49 FR 19036
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of Government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Sam Collinson, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: CECW-OR, 202 272-0199

RIN: 0710–AA12

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Proposed Rule Stage

440. PUBLIC AFFAIRS POLICIES AND PROCEDURES (AFR 190-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 837

Legal Deadline: None

Abstract: Describes Air Force Public Affairs program and how public affairs resources are to be managed to effectively reach public affairs goals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lt Col Hessenflow, Department of Defense, Department of the Air Force, HQ USAF (SAF/PAR), Washington, DC 20330, 202 697-6701

RIN: 0701–AA18

441. CLAIMS AND TORT LITIGATION (AFR 112-1)

Legal Authority: 10 USC 8013

CFR Citation: 32 CFR 842

Legal Deadline: None

Abstract: Establishes standard policies and procedures to administratively process claims and tort litigation involving the Air Force.

Timetable:

Action	Date	FR Cite
Begin Review	02/28/86	
End Review	01/31/88	
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maj Adams, Department of Defense, Department of the Air Force, HQ USAF/JACC, Bldg. 5683, Bolling AFB, DC 20332-6128, 202 767-1575

RIN: 0701–AA19

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Final Rule Stage

442. AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR Chapter 53

Legal Deadline: None

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Contracting by Negotiation

48 CFR Ch 53, AFSC FARS; 09/14/87 (52 FR 34692)

Withdrawal of Proposed Rule 01/25/89 (54 FR 3627)

Price Negotiation

48 CFR 5315, AF FARS; 03/04/87 (52 FR 6590)

Withdrawal of Proposed Rule 01/25/89 (54 FR 3630)

Surplus Material Acquisition

48 CFR Ch 53, AFLC FARS; 10/30/86 (51 FR 39676)

Final Action 04/00/89

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lt Col Rick Hampton, Special Assistant for FAR, Department of Defense, Department of the Air Force, SAF/AQCF, 202 695-3858

RIN: 0701–AA14

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

443. LEASING USAF AIRCRAFT AND RELATED EQUIPMENT TO NONGOVERNMENT ORGANIZATIONS

Legal Authority: 10 USC 2667

CFR Citation: 32 CFR 863

Legal Deadline: None

Abstract: This regulation outlines USAF policies and procedures for the provision of leasing USAF aircraft and related equipment to nongovernment organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45777
NPRM Comment Period End	12/14/88	
Final Action	01/12/89	54 FR 1169
Final Action Effective	02/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eric Kattner, Procurement Analyst, Department of Defense, Department of the Air Force, SAF/AQCM, Washington, DC 20330-1000, 202 695-4982

RIN: 0701–AA26

[FR Doc. 89-5836 Filed 04-21-89; 8:45 am]

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Federal Register

Monday
April 24, 1989

Part VI

Department of Education

Semiannual Regulatory Agenda

DEPARTMENT OF EDUCATION (ED)

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the semiannual agenda of Federal regulations.

SUMMARY: The Secretary of Education publishes a Semiannual Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin No. 89-02 issued under the authority of section 6(b) of Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to Kenneth C. Depew, Acting Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732-2887.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 89-02, dated November 4, 1988, prescribing the content and structure of the Unified Agenda of Federal Regulations. The Unified Agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the Agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent Agenda, and planned dates of future rulemaking. In addition, the Agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

Dated: February 24, 1989.

Steven Y. Winnick,

Acting General Counsel.

Departmental Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
444	U.S. Exchange Visitor Program - Request for Waiver of the Two- year Foreign Residence Requirement	1880-AA29

Departmental Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
445	Disposal and Utilization of Surplus Real Property For Educational Purposes	1880-AA27

ED

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
446	Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	1880-AA38
447	Debt Collection; Interest on Outstanding Debts	1880-AA03
448	Uniform Administrative Requirements for Grants and Cooperative Agreements	1880-AA34
449	Education Department General Administrative Regulations -- Amendments II	1880-AA24
450	Technical Amendments to Program Regulations	1880-AA33
451	General Education Provisions Act - Enforcement	1880-AA35

Office of Bilingual Education and Minority Languages Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
452	Bilingual Education: State Educational Agency Program	1885-AA18

Office of Bilingual Education and Minority Languages Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
453	Bilingual Education: Technical Amendments	1885-AA17
454	Transition Program for Refugee Children	1885-AA10

Office for Civil Rights—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
455	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs - Accessibility Standards	1870-AA09
456	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06

Office for Civil Rights—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
457	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office for Civil Rights—Completed Actions

Sequence Number	Title	Regulation Identifier Number
458	Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	1870-AA08

ED

Office of Educational Research and Improvement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
459	Secretary's Fund for Innovation in Education	1850-AA35
460	National Program for Mathematics and Science Education	1850-AA34

Office of Educational Research and Improvement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
461	Fund for the Improvement and Reform of Schools and Teaching	1850-AA33
462	National Diffusion Network	1850-AA19

Office of Educational Research and Improvement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
463	Partnerships in Education for Mathematics, Science, and Engineering	1850-AA15
464	College Library Resources Program	1850-AA21
465	Territorial Teacher Training Assistance Program	1850-AA10

Office of Elementary and Secondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
466	Federal, State, and Local Partnership for Educational Improvement	1810-AA49
467	Assist. for LEAs in Areas Affected by Fed. Acts. and Arrangements for Ed. of Children Where LEAs Cannot Provide Suitable Free Pub. Ed.--Heavily Impacted Districts; Avg. Daily Attendance	1810-AA20
468	Indian Education General Provisions and Discretionary Grant Programs - Amendments to Selection Criteria	1810-AA51

Office of Elementary and Secondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
469	Dwight D. Eisenhower Mathematics and Science Education Program	1810-AA40
470	Chapter 1 Program in Local Educational Agencies	1810-AA50
471	Financial Assistance to State Educational Agencies to Meet Special Educational Needs of Migratory Children	1810-AA48
472	Chapter 1 Program for Neglected or Delinquent Children	1810-AA46
473	Financial Assistance to State Educational Agencies to Improve Interstate and Intrastate Coordination of Activities	1810-AA42
474	Even Start Migrant Education Program	1810-AA39
475	Assistance for LEAs in Areas Affected by Federal Activities and Arrangements for Education of Children Where LEAs Cannot Provide Suitable Free Public Ed. - Sec. 2 (Consolidated Dist. Provisions)	1810-AA52
476	Christa McAuliffe Fellowship Program	1810-AA35
477	Women's Educational Equity Act Program	1810-AA16
478	Indian Education General Provisions and Discretionary Grants	1810-AA53
479	Indian Education Formula Grant Program -- Local Educational Agencies	1810-AA43
480	Indian Fellowship Program	1810-AA44
481	Magnet Schools Assistance Program	1810-AA13

ED

Office of Elementary and Secondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
482	Even Start Program	1810-AA47
483	Assistance for Local Ed. Agencies in Areas Affected by Federal Activities and Arrangements for Ed. of Children where Local Education Agencies Cannot Provide Suitable Free Public Education	1810-AA45

Office of Planning and Budget and Evaluation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
484	Protection of Human Subjects in Research	1875-AA07

Office of Postsecondary Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
485	Institutional Eligibility Conversion of Clock Hours	1840-AA32
486	Eligibility of Foreign Postsecondary Educational Institutions Under the Guaranteed Student Loan Program	1840-AB20
487	Student Assistance General Provisions - Verification	1840-AB07
488	Student Assistance General Provisions and Institutional Eligibility--Secretary's Accountability Initiatives	1840-AB18
489	Student Assistance General Provisions -- Miscellaneous Amendments, Selective Service Refund Requirements	1840-AB19
490	Student Assistance General Provisions -- Immigration Status Confirmation	1840-AB30
491	Perkins Loan Program, College Work-Study, and Supplemental Educational Opportunity Grant Programs--(Miscellaneous changes)	1840-AB22
492	Guaranteed Student Loan/PLUS/Supplemental Loans for Students/ Consolidation Loan Programs	1840-AA96

Office of Postsecondary Education—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
493	Paul Douglas Teacher Scholarship Program and Guaranteed Student Loan and PLUS Programs--Targeted Teacher Deferments	1840-AB03
494	Robert C. Byrd Honors Scholarship Program	1840-AB06
495	Student Assistance General Provisions, Guaranteed Student Loan/ PLUS Supplemental Loans for Students Programs--Default Reduction	1840-AB21
496	Income Contingent Loan Program - Due Diligence	1840-AB04

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
497	Strengthening Historically Black Colleges and Universities; Strengthening Institutions Programs	1840-AA62
498	Training Program for Special Program Staff and Leadership Personnel	1840-AB01
499	Direct Individual Foreign Language and Area Studies Fellowship Program	1840-AB27
500	Language Resource Centers Program	1840-AA67
501	Summer Intensive Language Institutes	1840-AA68
502	Foreign Periodicals Program	1840-AA69
503	Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs -- Treatment of Non-need Based Earnings	1840-AB25
504	Treatment of Territories and Territorial Student Assistance	1840-AA74

ED

Office of Special Education and Rehabilitative Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
505	State Operated or Supported Programs for Handicapped Children	1820-AA83
506	Training Personnel for the Education of the Handicapped -- Grants to State Educational Agencies or Institutions of Higher Education	1820-AA85
507	Technology - Related Assistance for Individuals with Disabilities	1820-AA84
508	The State Vocational Rehabilitation Services Program - Deregulation	1820-AA47
509	Rehabilitation Services Administration General Deregulation	1820-AA45
510	The State Independent Living Rehabilitation Services Program - Deregulation	1820-AA37
511	Centers for Independent Living - Standards and Evaluation Indicators	1820-AA81

Office of Special Education and Rehabilitative Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
512	Assistance to States for Education of Handicapped Children	1820-AA71
513	Early Intervention Program for Infants and Toddlers with Handicaps	1820-AA49
514	Services for Deaf-Blind Children and Youth Program	1820-AA53
515	Projects with Industry - Compliance Indicators	1820-AA82

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
516	Preschool Grants for Handicapped Children's Program	1820-AA48
517	Training Personnel for the Education of the Handicapped - Parent Training and Information Centers; Centers in Special Education and Early Intervention	1820-AA68
518	Captioned Films Loan Service for the Deaf Program and Educational Media Loan Service for the Handicapped Program	1820-AA61
519	Vocational Rehabilitation Services to Individuals with Severe Handicaps/Special Projects and Demonstrations for Providing Supported Employ Services to Individuals with Severe Handicaps	1820-AA76

Office of Vocational and Adult Education—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
520	State Administered Adult Education Programs and Secretary's Discretionary Programs of Adult Education	1830-AA06

Office of Intergovernmental and Interagency Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
521	Intergovernmental Review of Department of Education Programs and Activities – List of Programs	1860-AA00

ED

Office of the General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
522	Equal Access to Justice	1801-AA01

DEPARTMENT OF EDUCATION (ED)

Prerule Stage

Departmental Management (EDMAN)

444. U.S. EXCHANGE VISITOR PROGRAM - REQUEST FOR WAIVER OF THE TWO- YEAR FOREIGN RESIDENCE REQUIREMENT

Legal Authority: 8 USC 1182(e); 22 USC 2451

CFR Citation: 34 CFR 050

Legal Deadline: None

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/89	
End Review	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stewart Tinsman, Director International and Territorial, Affairs Staff, Department of Education, Departmental Management, Intergovernmental and Interagency Affairs, 400 Maryland Ave., SW (Rm. 3023, FOB-6), Washington, DC 20202, **202 732-5430**

RIN: 1880–AA29

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Departmental Management (EDMAN)

445. DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES

Legal Authority: 40 USC 484

CFR Citation: 34 CFR 012

Legal Deadline: None

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David B. Hakola, Coordinator, Federal Property, Administrator for Management Services, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1175, FOB-6, Washington, DC 20202, 202 732-5500

RIN: 1880–AA27

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Departmental Management (EDMAN)

446. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 34 CFR 007

Legal Deadline: None

Abstract: This regulation would specify the applicability of Sec. 504 of the Rehabilitation Act of 1973 to the federally conducted pro- grams of the Department of Education. Sec. 504 prohibits discrimination on the basis of an individual's handicap.

Timetable:

Action	Date	FR Cite
NPRM	04/01/88	53 FR 10808
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Kilpatrick, Equal Employment Opportunity Staff, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 1167, FOB-6), Washington, DC 20202-4550, **202 732-3560**

RIN: 1880–AA38

447. DEBT COLLECTION; INTEREST ON OUTSTANDING DEBTS

Legal Authority: 20 USC 1221e-3(a)(1); 20 USC 3474(a); 31 USC 3717

CFR Citation: 34 CFR 030

Legal Deadline: None

Abstract: These regulations would establish Departmental policies for assessing interest on outstanding debts and implementing the interest assessment provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	07/11/84	49 FR 28264
NPRM Comment Period End	08/27/84	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Betty Hepak, Director, Financial Operations Division, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3091, FOB-6), Washington, DC 20202, **202 732-4103**

RIN: 1880–AA03

448. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 074; 34 CFR 080

Legal Deadline: None

Abstract: These regulations would remove Part 80 and revise Part 74 to establish certain government-wide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and nonprofit commercial organizations. These regulations are based on OMB proposal to combine OMB Circulars A-102 (Grants and Cooperative Agreements with State and Local Governments) and A-110 (Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations) into a single, unified management circular.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 3122, ROB-3, Washington, DC20202, **202 732-7400**

RIN: 1880–AA34

449. EDUCATION DEPARTMENT GENERAL ADMINISTRATIVE REGULATIONS – AMENDMENTS II

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 74; 34 CFR 75; 34 CFR 76; 34 CFR 77

Legal Deadline: None

Abstract: See Preamble. The Department is proposing miscellaneous amendments to update and improve the regulations in 34 CFR Parts 74, 75, 76, and 77 of the Education Department General Administrative Regulations (EDGAR).

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31580
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Department of Education, Departmental Management, 400 Maryland Ave., SW (Rm. 3122, ROB-3), Washington, DC 20202, **202 732-7400**

RIN: 1880–AA24

450. TECHNICAL AMENDMENTS TO PROGRAM REGULATIONS

Legal Authority: 20 USC 1221e-3(a)(1)

CFR Citation: 34 CFR 080

Legal Deadline: None

Abstract: On November 4, 1988, the Department published an NPRM proposing to establish certain governmentwide administrative requirements for grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and non-profit and commercial organizations. The proposed regulations would appear in a revised 34 CFR Part 74. These amendments to program regulations specify the extent to which the revised Part 74 regulations apply to the programs of the Department. The regulations also specify statutorily required deviations to the revised Part 74 regulations.

Timetable:

Action	Date	FR Cite
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hughes, Grants and Contracts Service, Office of Management, Department of Education, Departmental Management, 400 Maryland Ave., SW, Room 3122, ROB-3, Washington, DC 20202, **202 732-7400**

RIN: 1880–AA33

451. GENERAL EDUCATION PROVISIONS ACT - ENFORCEMENT

Legal Authority: PL 100-297

CFR Citation: 34 CFR 081

Legal Deadline: None

Abstract: These regulations will govern the enforcement of legal requirements under most grant programs administered by the Secretary of Education. The regulations will implement amendments to Part E of the General Education Provisions Act enacted in PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	12/02/88	53 FR 48866
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barry W. Stevens, Counsel, Department of Education, Departmental Management, 400 Maryland Ave., SW, (Room 4091 - FOB-6), Washington, DC, 20202, **202 732-2730**

RIN: 1880–AA35

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

452. BILINGUAL EDUCATION: STATE EDUCATIONAL AGENCY PROGRAM

Legal Authority: 20 USC 3281 to 3341

CFR Citation: 34 CFR 548

Legal Deadline: None

Abstract: These final regulations complete the interim final regulations with invitation to comment published in 1985. Certain data and information collection has been determined burdensome and is deleted from these regulations.

Timetable:

Action	Date	FR Cite
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luis A. Catarineau, Bilingual and Minority Languages Affairs, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave., SW, Room 5086, Switzer Bldg., Washington, DC 20202, 202 732-5700

RIN: 1885–AA18

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

453. BILINGUAL EDUCATION: TECHNICAL AMENDMENTS

CFR Citation: 34 CFR 500; 34 CFR 501; 34 CFR 524; 34 CFR 525; 34 CFR 526; 34 CFR 548; 34 CFR 561; 34 CFR 562; 34 CFR 573; 34 CFR 574

Completed:

Reason	Date	FR Cite
Final Action	10/05/88	53 FR 39218
Final Action Effective	11/22/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary T. Mahony 202 732-5063

RIN: 1885–AA17

454. TRANSITION PROGRAM FOR REFUGEE CHILDREN

Significance: Regulatory Program

CFR Citation: 34 CFR 538

Completed:

Reason	Date	FR Cite
Final Action	12/28/88	53 FR 5956
Final Action Effective	03/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Fayetta McAlear 202 732-5070

RIN: 1885–AA10

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office for Civil Rights (OCR)

455. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS - ACCESSIBILITY STANDARDS

Legal Authority: 29 USC 794; 29 USC 1405

CFR Citation: 34 CFR 104

Legal Deadline: None

Abstract: These proposed amendments would include a cross-reference to the Uniform Federal Accessibility Standards in federally assisted programs or activities.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9966
NPRM Comment Period End	05/08/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LeGree S. Daniels, Assistant Secretary for, Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave., SW, Room 5000, Switzer Bldg., Washington, DC 20202, 202 732-1213

RIN: 1870–AA09

456. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681

CFR Citation: 34 CFR 106

Legal Deadline: None

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out provisions, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: LeGree S. Daniels, Assistant Secretary for, Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5000, Switzer Bldg., Washington, DC 20202, 202 732-1213

RIN: 1870–AA06

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Final Rule Stage

457. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Legal Deadline: None

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: LeGree S. Daniels, Assistant Secretary for, Civil Rights, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Room 5000, Switzer Bldg., Washington, DC 20202, 202 732-1213

RIN: 1870–AA05

DEPARTMENT OF EDUCATION (ED)
Office for Civil Rights (OCR)

Completed Actions

458. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

CFR Citation: 34 CFR 105

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathy Hogancamp 202 732-2057

RIN: 1870–AA08

DEPARTMENT OF EDUCATION (ED)
Office of Educational Research and Improvement (OERI)

Proposed Rule Stage

459. SECRETARY'S FUND FOR INNOVATION IN EDUCATION

Legal Authority: PL 100-297

CFR Citation: 34 CFR 731; 34 CFR 732; 34 CFR 733; 34 CFR 734

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Schecter, Fund for the Improvement and Reform of, Schools and Teaching, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave., NW, Rm. 522, Capitol Place Bldg., Washington, DC 20208-5524, 202 357-6496

RIN: 1850–AA35

460. NATIONAL PROGRAM FOR MATHEMATICS AND SCIENCE EDUCATION

Legal Authority: PL 100-297

CFR Citation: 34 CFR 755

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Schecter, Fund for the Improvement and Reform of, Schools and Teaching, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave., NW, Room 522, Capitol Place Bldg., Washington, DC 20208-5524, 202 357-6496

RIN: 1850–AA34

DEPARTMENT OF EDUCATION (ED)
Office of Educational Research and Improvement (OERI)

Final Rule Stage

461. FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING

Legal Authority: PL 100-297

CFR Citation: 34 CFR 757; 34 CFR 758

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

ED—OERI **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44578
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Schecter, Fund for the Improvement and Reform of, Schools and Teaching, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave., NW, Rm. 522, Capitol Place Bldg., Washington, DC 20208-5645, 202 357-6496

RIN: 1850–AA33

462. NATIONAL DIFFUSION NETWORK

Legal Authority: PL 100-297

CFR Citation: 34 CFR 785; 34 CFR 786; 34 CFR 787

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/06/88	53 FR 39406
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lois Weinberg, Education Program Specialist, Department of Education, Office of Educational Research and Improvement, 555 New Jersey Ave. NW, Room 510, Capitol Place Bldg., Washington,DC 20208-5645, 202 357-6134

RIN: 1850–AA19

DEPARTMENT OF EDUCATION (ED) **Completed Actions**

Office of Educational Research and Improvement (OERI)

463. PARTNERSHIPS IN EDUCATION FOR MATHEMATICS, SCIENCE, AND ENGINEERING

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Schecter 202 357-6496

RIN: 1850–AA15

464. COLLEGE LIBRARY RESOURCES PROGRAM

CFR Citation: 34 CFR 773

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Alexandra 202 357-6315

RIN: 1850–AA21

465. TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM

CFR Citation: 34 CFR 790

Completed:

Reason	Date	FR Cite
Final Action	11/29/88	53 FR 47953
Final Action Effective	02/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Haroldie Spriggs 202 357-6116

RIN: 1850–AA10

DEPARTMENT OF EDUCATION (ED) **Proposed Rule Stage**

Office of Elementary and Secondary Education (OESE)

466. FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL IMPROVEMENT

Legal Authority: 20 USC 2911 to 2952; 20 USC 2971 to 2976

CFR Citation: 34 CFR 76; 34 CFR 80; 34 CFR 298

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	54 FR 8708
NPRM Comment Period End	05/01/89	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alicia C. Coro, Director, School Improvement Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2040, Washington, DC 20202-6245, 202 732-4657

RIN: 1810–AA49

467. ASSIST. FOR LEAS IN AREAS AFFECTED BY FED. ACTS. AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUB. ED.–HEAVILY IMPACTED DISTRICTS; AVG. DAILY ATTENDANCE

Legal Authority: 20 USC 236; 20 USC 238; 20 USC 240; 20 USC 242; 20 USC 244

ED—OESE **Proposed Rule Stage**

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These proposed regulations would implement section 3(d)(2)(B) of the Impact Aid law, PL 81-874, which authorizes supplemental payments enabling LEAs that are heavily impacted by federally connected children to provide a level of education that is equivalent to that maintained in comparable school districts. These regulations would also establish definitions and procedures for calculating payments for local educational agencies in states that do not collect average daily attendance data. These regulations would also implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	03/28/89	54 FR 12104
NPRM Comment Period End	06/21/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2079, Washington, DC 20202-6263, 202 732-3637

RIN: 1810–AA20

468. INDIAN EDUCATION GENERAL PROVISIONS AND DISCRETIONARY GRANT PROGRAMS - AMENDMENTS TO SELECTION CRITERIA

Legal Authority: 25 USC 2602(c); 25 USC 2621(a) to 2621(d); 25 USC 2622; 25 USC 2631(a) to 2631(b); 25 USC 2624

CFR Citation: 34 CFR 250; 34 CFR 252; 34 CFR 253; 34 CFR 254; 34 CFR 256; 34 CFR 257; 34 CFR 258

Legal Deadline: None

Abstract: These amendments would clarify the criteria that serve as standards for assessing the merit of applications. This change will improve the process for selecting grantees. The weights assigned to the criteria for the Education Personnel Development Programs will be revised to give more emphasis to the need to ensure that participants will serve Indian children after completing their training.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Aaron N. Shedd, Acting Director, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2177, Washington, DC 20202-6138, 202 732-1867

RIN: 1810–AA51

DEPARTMENT OF EDUCATION (ED)

Final Rule Stage

Office of Elementary and Secondary Education (OESE)

469. DWIGHT D. EISENHOWER MATHEMATICS AND SCIENCE EDUCATION PROGRAM

Legal Authority: 20 USC 2981 to 2993

CFR Citation: 34 CFR 208

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	12/06/88	53 FR 49280
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Allen Schmieder, Math and Science Section, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2040, Washington, DC 20202-6437, 202 732-4336

RIN: 1810–AA40

470. CHAPTER 1 PROGRAM IN LOCAL EDUCATIONAL AGENCIES

Legal Authority: 20 USC 2701 et seq

CFR Citation: 34 CFR 200

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41466
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James R. Ogura, Chief, Program Policy Branch, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2013, Washington, DC 20202-6132, 202 732-4701

RIN: 1810–AA50

471. FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Legal Authority: 20 USC 2781; 20 USC 2782

CFR Citation: 34 CFR 201

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3924
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio, Office of Migrant Education, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2145, Washington, DC 20202-6135, 202 732-4758

RIN: 1810–AA48

472. CHAPTER 1 PROGRAM FOR NEGLECTED OR DELINQUENT CHILDREN

Legal Authority: 20 USC 1232d(4),(5); 20 USC 2721(a); 20 USC 2724(b); 20 USC 2728(a),(b),(d); 20 USC 2729(b); 20 USC 2801 to 2804; 20 USC 2811; 20 USC 2812; 20 USC 2824(a),(b); 20 USC 2831(a); 20 USC 2835(a),(d); 20 USC 2838(a) to (c); 20 USC 2851; 20 USC 2853; 20 USC 2891

CFR Citation: 34 CFR 203

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	12/02/88	53 FR 48856
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Ogura, Chief, Program Policy Branch, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2013, Washington, DC 20202-6132, 202 732-4701

RIN: 1810–AA46

473. FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO IMPROVE INTERSTATE AND INTRASTATE COORDINATION OF ACTIVITIES

Legal Authority: 20 USC 2783

CFR Citation: 34 CFR 205

Legal Deadline: None

Abstract: These final regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio, Office of Migrant Education, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2145, Washington, DC 20202-6135, 202 732-4758

RIN: 1810–AA42

474. EVEN START MIGRANT EDUCATION PROGRAM

Legal Authority: 20 USC 2743

CFR Citation: 34 CFR 212

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51530
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph P. Bertoglio, Office of Migrant Education, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2145, Washington, DC 20202-6135, 202 732-4758

RIN: 1810–AA39

475. ● ASSISTANCE FOR LEAS IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE PUBLIC ED. - SEC. 2 (CONSOLIDATED DIST. PROVISIONS)

Legal Authority: 20 USC 236

CFR Citation: 34 CFR 222

Legal Deadline: None

Abstract: These final regulations make a change in one of eligibility requirements under Section 2 of PL 81-874, the Impact Aid law for local educational agencies formed by the consolidation of school districts.

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen, Acting Director, Division of Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, (Room 2079), Washington, D.C. 20202-6263, 202 732-4655

RIN: 1810–AA52

476. CHRISTA MCAULIFFE FELLOWSHIP PROGRAM

Legal Authority: 20 USC 1113 to 1113e

CFR Citation: 34 CFR 237

Legal Deadline: None

Abstract: These regulations would establish a minimum and partial amount for which fellowships may be awarded and would also clarify the redistribution method used by the Department if States do not comply with certain requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 46072
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ramon Ruiz, Deputy Assistant Secretary, Regulations, Innovation and Development, Department of Education, Office of Elementary and Secondary Education,

400 Maryland Ave., SW, Room 2181, Washington, DC 20202-6122, 202 732-4153

RIN: 1810–AA35

477. WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Legal Authority: 20 USC 3041 to 3047

CFR Citation: 34 CFR 245; 34 CFR 246; 34 CFR 247

Legal Deadline: None

Abstract: See Preamble. These regulations would also implement certain provisions of the Education Amendments of 1984, PL 98-511 and the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4742
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alice T. Ford, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2053, Washington, DC 20202-6439, 202 732-4351

RIN: 1810–AA16

478. ● INDIAN EDUCATION GENERAL PROVISIONS AND DISCRETIONARY GRANTS

Legal Authority: 25 USC 2602(c); 25 USC 262(a) to 262(d); 25 USC 2622; 25 USC 2631(a),(b); 25 USC 2624(c)

CFR Citation: 34 CFR 250; 34 CFR 252; 34 CFR 253; 34 CFR 254; 34 CFR 256; 34 CFR 257; 34 CFR 258

Legal Deadline: None

Abstract: These final regulations implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	11/16/88	53 FR 46404
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Aaron N. Shedd, Acting Director, Indian Education Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, (Room 2177), Washington, DC 20202-6138, 202 732-1887

RIN: 1810–AA53

479. INDIAN EDUCATION FORMULA GRANT PROGRAM – LOCAL EDUCATIONAL AGENCIES

Legal Authority: 25 USC 2601 to 2606

CFR Citation: 34 CFR 251

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	11/16/88	53 FR 46412
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sylvia Wright, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2177, Washington, DC 20202-6139, 202 732-1938

RIN: 1810–AA43

480. INDIAN FELLOWSHIP PROGRAM

Legal Authority: 20 USC 2623

CFR Citation: 34 CFR 263

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39876
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothea Perkins, Indian Education Programs, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2164, Washington, DC 20202-6139, 202 732-1909

RIN: 1810–AA44

481. MAGNET SCHOOLS ASSISTANCE PROGRAM

Legal Authority: 20 USC 3021 to 3032

CFR Citation: 34 CFR 280

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45874
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Annie Mack, Magnet Schools Assistance Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave., SW, Room 2057, Washington, DC 20202-6440, 202 732-4358

RIN: 1810–AA13

DEPARTMENT OF EDUCATION (ED)

Office of Elementary and Secondary Education (OESE)

Completed Actions

482. EVEN START PROGRAM

CFR Citation: 34 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	03/23/89	54 FR 12138
Final Action Effective	05/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Fagan 202 732-4682

RIN: 1810–AA47

483. ASSISTANCE FOR LOCAL ED. AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR ED. OF CHILDREN WHERE LOCAL EDUCATION AGENCIES CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

CFR Citation: 34 CFR 219; 34 CFR 222

Completed:

Reason	Date	FR Cite
Final Action	10/04/88	53 FR 39018
Final Action Effective	11/22/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Hansen 202 732-4655

RIN: 1810–AA45

DEPARTMENT OF EDUCATION (ED)

Office of Planning and Budget and Evaluation (OPBE)

Final Rule Stage

484. PROTECTION OF HUMAN SUBJECTS IN RESEARCH

Legal Authority: 5 USC 301

CFR Citation: 34 CFR 097

Legal Deadline: None

Abstract: These regulations would implement procedures to protect human research subjects and implement a recommendation from the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. The regulations set forth a common Federal policy for the protection of human subjects accepted by the Office of Science and Technology Policy in the Executive Office of the President.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ed Glassman, Evaluation Systems Expert, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave., SW, (Room 3127-FOB-6), Washington, DC 20202, 202 732-3132

RIN: 1875–AA07

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Proposed Rule Stage

485. INSTITUTIONAL ELIGIBILITY CONVERSION OF CLOCK HOURS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1094(c)(3); 20 USC 1141

CFR Citation: 34 CFR 600

Legal Deadline: None

Abstract: These proposed amendments contain provisions for evaluating the conversion of educational programs from clock hours to credit hours by eligible institutions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia G. Re, Division of Eligibility And Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, Room 3030, ROB-3, Washington, DC 20202, 202 732-4906

RIN: 1840–AA32

486. ELIGIBILITY OF FOREIGN POSTSECONDARY EDUCATIONAL INSTITUTIONS UNDER THE GUARANTEED STUDENT LOAN PROGRAM

Legal Authority: 20 USC 1082; 20 USC 1085

CFR Citation: 34 CFR 601

Legal Deadline: None

Abstract: These regulations would establish procedures and criteria the Secretary would use to determine the eligibility of institutions located outside the United States for participation in student loan programs authorized under Title IV, Part B of the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia Re, Division of Eligibility, and Certification, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 3030 - ROB-3, Washington,DC 20202, 202 732-4906

RIN: 1840–AB20

487. STUDENT ASSISTANCE GENERAL PROVISIONS - VERIFICATION

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498), Tax Reform Act of 1986, and the Compact of Free Association.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lorraine Kennedy, Student Verification Branch, Division of Policy and Program Development, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., S.W., (Room 4613 - ROB-3), Washington, DC 20202, **202 245-2724**

RIN: 1840–AB07

488. STUDENT ASSISTANCE GENERAL PROVISIONS AND INSTITUTIONAL ELIGIBILITY–SECRETARY'S ACCOUNTABILITY INITIATIVES

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600; 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would achieve better accountability in the student financial aid programs.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11354
NPRM Comment Period End	05/01/89	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John DeCleene, Pell Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318, ROB-3, Washington, DC 20202, **202 732-4888**

RIN: 1840–AB18

489. STUDENT ASSISTANCE GENERAL PROVISIONS -- MISCELLANEOUS AMENDMENTS, SELECTIVE SERVICE REFUND REQUIREMENTS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091; 20 USC 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would amend the provisions related to selective service requirements and make other miscellaneous changes in the student assistance general provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4318 - ROB-3, Washington, DC 20202, **202 732-4888**

RIN: 1840–AB19

490. ● STUDENT ASSISTANCE GENERAL PROVISIONS -- IMMIGRATION STATUS CONFIRMATION

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1091 to 1092; 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 668

Legal Deadline: None

Abstract: These proposed regulations would establish rules by which an institution shall confirm the immigration status of certain alien applicants for student financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Claude E. Denton, Student Verification Branch, Division, Policy and Program Development, Department of Education, Office of Postsecondary Education, (Rm. 4613, ROB-3), 400 Maryland Avenue, SW, Washington, DC 20202, **202 732-5591**

RIN: 1840–AB30

491. PERKINS LOAN PROGRAM, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS--(MISCELLANEOUS CHANGES)

Legal Authority: 20 USC 1070b to 1070b3; 20 USC 1087aa to 1087hh; 20 USC 2751 to 2756a

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Legal Deadline: None

Abstract: These proposed regulations would further implement provisions of the Higher Education Amendments of 1986. The regulations would also establish procedures that would make the Supplemental Educational Opportunity Grant Program consistent with the Pell Grant program with respect to collection of outstanding overpayments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret Orem, Chief, Policy Section, Campus & State Grant Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4018 - ROB-3, Washington, DC 20202, **202 732-4490**

RIN: 1840–AB22

ED—OPE

Proposed Rule Stage

492. GUARANTEED STUDENT LOAN/PLUS/SUPPLEMENTAL LOANS FOR STUDENTS/ CONSOLIDATION LOAN PROGRAMS

Legal Authority: 20 USC 1071 et seq

CFR Citation: 34 CFR 682

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave., SW, (Rm. 4310 ROB-3), Washington, DC 20202, 202 732-4242

RIN: 1840–AA96

DEPARTMENT OF EDUCATION (ED)

Office of Postsecondary Education (OPE)

Final Rule Stage

493. PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM AND GUARANTEED STUDENT LOAN AND PLUS PROGRAMS–TARGETED TEACHER DEFERMENTS

Legal Authority: 20 USC 1111b

CFR Citation: 34 CFR 653; 34 CFR 682

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Technical Amendments Act of 1987 (PL 100-50).

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 5066
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Md. Ave., S.W. (Rm. 4310 - ROB-3), Washington, DC 20202, 202 732-4242

RIN: 1840–AB03

494. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

Legal Authority: 20 USC 1070d-31 to 1070d-41

CFR Citation: 34 CFR 654

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38660
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Fred Sellers, Chief, State Student Incentive, Grant Program, Department of Education, Office of Postsecondary Education, 400 Md. Ave., (Rm. 4018, ROB-3), Washington, D.C. 20202, 202 732-4507

RIN: 1840–AB06

495. STUDENT ASSISTANCE GENERAL PROVISIONS, GUARANTEED STUDENT LOAN/ PLUS SUPPLEMENTAL LOANS FOR STUDENTS PROGRAMS–DEFAULT REDUCTION

Significance: Regulatory Program

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 668; 34 CFR 682

Legal Deadline: None

Abstract: These regulations would establish procedures to increase institutional responsibilities in the administration of these programs, as well as provide procedures that the Secretary would use to implement the Default Reduction Initiative Program.

Timetable:

Action	Date	FR Cite
NPRM	09/16/88	53 FR 36216
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Pamela Moran, Chief, Policy Section, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Avenue, SW, Room 4310 - ROB-3, Washington, DC 20202, 202 732-4242

RIN: 1840–AB21

496. INCOME CONTINGENT LOAN PROGRAM - DUE DILIGENCE

Legal Authority: 20 USC 1087a to 1087e

CFR Citation: 34 CFR 673

Legal Deadline: None

Abstract: These regulations would implement certain provisions of the Higher Education Act of 1965, as amended by the Higher Education Amendments Act of 1986 (PL 99-498).

Timetable:

Action	Date	FR Cite
NPRM	11/25/87	52 FR 45576
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carney M. McCullough, Chief, Policy Section, Pell Grant Program, Department of Education, Office of Postsecondary Education, 400 Md. Ave.,SW, (Rm. 4318, ROB-3), Washington, DC 20202, 202 732-4888

RIN: 1840–AB04

DEPARTMENT OF EDUCATION (ED)

Completed Actions

Office of Postsecondary Education (OPE)

497. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; STRENGTHENING INSTITUTIONS PROGRAMS

CFR Citation: 34 CFR 607; 34 CFR 608

Completed:

Reason	Date	FR Cite
Final Action	04/06/89	54 FR 14041
Final Action Effective	05/21/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard L. Fairley 202 732-2592

RIN: 1840–AA62

498. TRAINING PROGRAM FOR SPECIAL PROGRAM STAFF AND LEADERSHIP PERSONNEL

CFR Citation: 34 CFR 642

Completed:

Reason	Date	FR Cite
Final Action	02/22/89	54 FR 7736
Final Action Effective	04/08/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel Davis 202 732-4922

RIN: 1840–AB01

499. DIRECT INDIVIDUAL FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIP PROGRAM

CFR Citation: 34 CFR 659

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph F. Belmonte 202 732-3304

RIN: 1840–AB27

500. LANGUAGE RESOURCE CENTERS PROGRAM

CFR Citation: 34 CFR 669

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840–AA67

501. SUMMER INTENSIVE LANGUAGE INSTITUTES

CFR Citation: 34 CFR 670

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840–AA68

502. FOREIGN PERIODICALS PROGRAM

CFR Citation: 34 CFR 671

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph Belmonte 202 732-3304

RIN: 1840–AA69

503. PERKINS LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS -- TREATMENT OF NON-NEED BASED EARNINGS

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Completed:

Reason	Date	FR Cite
Final Action	12/28/88	53 FR 52578
Final Action Effective	03/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret Henry 202 732-4490

RIN: 1840–AB25

504. TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE

CFR Citation: 34 CFR 696

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jerry Whitlock 202 732-3551

RIN: 1840–AA74

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Special Education and Rehabilitative Services (OSERS)

505. STATE OPERATED OR SUPPORTED PROGRAMS FOR HANDICAPPED CHILDREN

Legal Authority: 20 USC 2791 to 2796

CFR Citation: 34 CFR 302

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

ED—OSERS

Proposed Rule Stage

Agency Contact: Shirley Jones, Acting Chief, Programs Administration Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, Room 3613, Switzer Bldg., Washington, DC 20202, 202 732-1092

RIN: 1820–AA83

506. ● TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED – GRANTS TO STATE EDUCATIONAL AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION

Legal Authority: 20 USC 1432

CFR Citation: 34 CFR 319

Legal Deadline: None

Abstract: These proposed regulations are needed to implement certain provisions of the amendments to the Education of the Handicapped Act of 1988, PL 100-630.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Norman Howe, Acting Division Director, Division of Personnel Preparation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, (Rm. 3072 - Switzer Bldg.), Washington, DC 20202, 202 732-1068

RIN: 1820–AA85

507. TECHNOLOGY - RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

Legal Authority: PL 100-407

CFR Citation: 34 CFR 354

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Technology Related Assistance for Individuals with Disabilities Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty Jo Berland, Planning and Evaluation, Officer, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave., SW, (Room 3422-Switzer Bldg.), Washington, DC 20202, 202 732-1139

RIN: 1820–AA84

508. THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM - DEREGULATION

Legal Authority: 29 USC 701 to 731

CFR Citation: 34 CFR 361

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Acting Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA47

509. REHABILITATION SERVICES ADMINISTRATION GENERAL DEREGULATION

Legal Authority: 20 USC 107 et seq; 29 USC 701 et seq

CFR Citation: 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 371; 34 CFR 372; 34 CFR 374; 34 CFR 375; 34 CFR 378; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 387; 34 CFR 388; 34 CFR 389; 34 CFR 390

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL CFR CITATION: 34 CFR 395.

Agency Contact: Ann Weinheimer, Acting Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, Room 3220, Switzer Building, Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA45

510. THE STATE INDEPENDENT LIVING REHABILITATION SERVICES PROGRAM - DEREGULATION

Significance: Regulatory Program

Legal Authority: 29 USC 796 to 796d

CFR Citation: 34 CFR 365

Legal Deadline: None

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
ANPRM	06/27/88	53 FR 24175
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Daniels, Associate Commissioner, Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration, (Rm. 3034, Switzer Building), Washington, DC 20202, 202 732-1437

RIN: 1820–AA37

511. CENTERS FOR INDEPENDENT LIVING - STANDARDS AND EVALUATION INDICATORS

Legal Authority: 20 USC 796e

CFR Citation: 34 CFR 366

Legal Deadline: None

Abstract: These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

ED—OSERS

Proposed Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW, Room 3220 - Switzer Bldg., Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA81

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Final Rule Stage

512. ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1401; 20 USC 1412; 20 USC 1413

CFR Citation: 34 CFR 300

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8390
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey Champagne, Director, Division of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Md. Ave., SW, (Rm. 3609 - Switzer Bldg), Washington, DC 20202, 202 732-1056

RIN: 1820–AA71

513. EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH HANDICAPS

Legal Authority: 20 USC 1471 to 1485

CFR Citation: 34 CFR 303

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44352
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas B. Irvin, Deputy Director, Division of Program Analysis and Planning, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., SW, (Rm. 3092 - Switzer Bldg.), Washington, DC 20202, 202 732-1114

RIN: 1820–AA49

514. SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH PROGRAM

Legal Authority: 20 USC 1422

CFR Citation: 34 CFR 307

Legal Deadline: None

Abstract: These regulations are needed to implement certain provisions of the Education of the Handicapped Act Amendments of 1986, PL 99-457.

Timetable:

Action	Date	FR Cite
NPRM	11/22/88	53 FR 47406
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Safer, Director, Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, Department of Education, 400 Md. Ave., (Rm. 4605 - Switzer Bldg.), Washington, DC 20202, 202 732-1109

RIN: 1820–AA53

515. PROJECTS WITH INDUSTRY - COMPLIANCE INDICATORS

Legal Authority: 20 USC 795

CFR Citation: 34 CFR 379

Legal Deadline: None

Abstract: These proposed regulations would implement certain changes to the Rehabilitation Act of 1973 made by the Rehabilitation Act Amendments of 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	53 FR 6808
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Weinheimer, Acting Director, Planning and Policy Staff, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW, Room 3220 - Switzer Bldg., Washington, DC 20202-1550, 202 732-1345

RIN: 1820–AA82

DEPARTMENT OF EDUCATION (ED)

Office of Special Education and Rehabilitative Services (OSERS)

Completed Actions

516. PRESCHOOL GRANTS FOR HANDICAPPED CHILDREN'S PROGRAM

CFR Citation: 34 CFR 301

Completed:

Reason	Date	FR Cite
Final Action	01/13/89	54 FR 1642
Final Action Effective	03/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Treusch 202 732-1097

RIN: 1820–AA48

ED—OSERS

Completed Actions

517. TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED - PARENT TRAINING AND INFORMATION CENTERS; CENTERS IN SPECIAL EDUCATION AND EARLY INTERVENTION

CFR Citation: 34 CFR 316; 34 CFR 318

Completed:

Reason	Date	FR Cite
Final Action	11/10/88	53 FR 45730
Final Action Effective	12/25/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Norman Howe 202 732-1068

RIN: 1820–AA68

518. CAPTIONED FILMS LOAN SERVICE FOR THE DEAF PROGRAM AND EDUCATIONAL MEDIA LOAN SERVICE FOR THE HANDICAPPED PROGRAM

CFR Citation: 34 CFR 330; 34 CFR 331

Completed:

Reason	Date	FR Cite
Final Action	10/19/88	53 FR 41084
Final Action Effective	12/03/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Nancy Safer 202 732-1109

RIN: 1820–AA61

519. VOCATIONAL REHABILITATION SERVICES TO INDIVIDUALS WITH SEVERE HANDICAPS/SPECIAL PROJECTS AND DEMONSTRATIONS FOR PROVIDING SUPPORTED EMPLOY SERVICES TO INDIVIDUALS WITH SEVERE HANDICAPS

CFR Citation: 34 CFR 373; 34 CFR 380

Completed:

Reason	Date	FR Cite
Final Action	03/24/89	54 FR 12398
Final Action Effective	05/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ann Weinheimer 202 732-1345

RIN: 1820–AA76

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Vocational and Adult Education (OVAE)

520. STATE ADMINISTERED ADULT EDUCATION PROGRAMS AND SECRETARY'S DISCRETIONARY PROGRAMS OF ADULT EDUCATION

Legal Authority: 20 USC 1201 et seq.; 42 USC 11421

CFR Citation: 34 CFR 425; 34 CFR 426; 34 CFR 432; 34 CFR 433; 34 CFR 434; 34 CFR 435; 34 CFR 436; 34 CFR 437; 34 CFR 438; 34 CFR 441

Legal Deadline: None

Abstract: These proposed regulations would implement certain provisions of the Augustus F. Hawkins - Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, PL 100-297, and the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, PL 100-628.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas L. Johns, Director, Policy Analysis Staff, Department of Education, Office of Vocational and Adult Education, 400 Maryland Ave., SW, Room 4521, Switzer Bldg., Washington, DC 20202, 202 732-2237

RIN: 1830–AA06

DEPARTMENT OF EDUCATION (ED)

Proposed Rule Stage

Office of Intergovernmental and Interagency Affairs (EDSI)

521. INTERGOVERNMENTAL REVIEW OF DEPARTMENT OF EDUCATION PROGRAMS AND ACTIVITIES -- LIST OF PROGRAMS

Legal Authority: EO 12372; 31 USC 6506; 42 USC 3334

CFR Citation: 34 CFR 79

Legal Deadline: None

Abstract: This regulatory action would propose those ED programs to be included and those ED programs to be excluded under EO 12372 and ED's implementing regulations in 34 CFR Part 79. The public will be given an opportunity to comment on the listing.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10500
NPRM Comment Period End	06/12/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Leroy Walser, Executive Director, Federal Interagency Committee on Education, Department of Education, Office of Intergovernmental and Interagency Affairs, (Room 3059 - FOB-6), Washington, DC 20202, 202 732-3669

RIN: 1860–AA00

DEPARTMENT OF EDUCATION (ED)
Office of the General Counsel (EDOGC)

Proposed Rule Stage

522. EQUAL ACCESS TO JUSTICE

Legal Authority: 5 USC 504

CFR Citation: 34 CFR 21

Legal Deadline: None

Abstract: These regulations would amend the procedures for the award of fees and other expenses to applicants who prevail in adversary adjudications before the Department of Education. The current regulations must be amended to reflect amendments to the Equal Access to Justice Act made by P.L. 99-80.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jo-Ann Frey, General Attorney, Office of the General Counsel, Department of Education, Office of the General Counsel, 400 Maryland Ave., SW, Room 4122, Washington, DC 20202, 202 732-2690

RIN: 1801–AA01

[FR Doc. 89-5837 Filed 04-21-89; 8:45 am]
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federal register

Monday
April 24, 1989

Part VII

Department of Energy

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY (DOE)

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1989 regulatory agenda.

SUMMARY: In order to make government more responsive to the citizens of the United States and to assist in fulfilling the President's commitment to lessen regulatory burdens, the Department of Energy (DOE) is publishing this agenda of rulemakings that DOE has in progress, as well as proposed rulemakings that DOE foreseeably may issue in the next year. This agenda also includes rules being reviewed within the Department to determine whether to propose modifications through rulemaking and rulemakings and rule reviews for which action has been completed since the last Regulatory Agenda in October 1988. In addition, the agenda meets requirements under the Regulatory Flexibility Act for information on any rulemakings which are "likely to have a significant economic impact on a substantial number of small entities." The agenda may not include all routine regulations or those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: Robert E. Morey, Department of Energy, Room 6B-128, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Covered agencies publish regulatory agendas under Executive Order 12291 in April and October of each year. The Executive Order authorizes the Office of Management and Budget (OMB) to set forth standards and procedures for the preparation of these agendas. The April 1989 Regulatory Agenda has been prepared in accordance with OMB Bulletin No. 89-02.

There are important reasons for preparing this agenda. It is vital to efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. The Department has made considerable progress in these efforts.

Executive Order 12291 provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.* The regulatory flexibility agenda must cover any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities." Its information requirements are similar to those of the Executive Order. The regulatory flexibility agenda required under 5 U.S.C. 602(a) is incorporated in today's notice.

Entries appended to this notice reflect the status of regulatory activities as of approximately February 15, 1989. Regulatory activities have been divided among categories according to their next stage: Prerulemaking action, proposed rule, final rule, or completed action.

Appended entries contain the following information: (1) DOE organizational unit responsible for the regulation; (2) RIN number (that is, the Regulation Indentifier Number assigned by OMB/OIRA); (3) title; (4) significance (that is, whether the regulation appears in the Regulatory Program prepared annually under Executive Order 12498 and, if it does not, whether it is nevertheless a Departmental priority); (5) the name, title, address and telephone number of a person who is knowledgeable about the regulation; (6) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act) and effects on Federal, State, and local governments; (7) CFR citation (that is, portion of the Code of Regulations that will be affected); (8) legal authority (that is, a citation to the section of the United States Code (USC), Public Law (Pub. L.) or the Executive Order (EO) that authorizes the regulatory action); (9) abstract (that is, a description of the problem the regulation will address, the regulatory approach under consideration, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); (10) legal deadline (that is, the statuory or judicial deadline, if any); and (11) timetable (that is, the dates, and citations if applicable, for all past stages and at least the next stage of the rulemaking). In addition, each item regarding completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding agenda) states the date, and citation if appropriate.

A draft of this agenda has been transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirements of 5 U.S.C. 602(b).

DOE's next agenda will be published in October 1989.

Issued in Washington, DC on February 17, 1989.

Frank Ruddy,

General Counsel.

Conservation and Renewable Energy—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
523	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
524	Energy Conservation Performance Standards for New Buildings; Subpart B - Voluntary Performance Standards for New Non-Federal Residential Buildings	1904-AA34

DOE

Conservation and Renewable Energy—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
525	Energy-Efficiency Standards for Dishwashers, Clothes Washers and Clothes Dryers	1904-AA37

Conservation and Renewable Energy—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
526	Energy Conservation Performance Standards for New Buildings; Subpart A - Commercial and Multi-Family High Rise Residential Buildings	1904-AA08
527	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
528	Energy Conservation Performance Standards for New Buildings; Subpart C - Mandatory Performance Standards for New Federal Residential Buildings	1904-AA27
529	Energy-Efficiency Standards for Refrigerators and Related Products, Small Gas Furnace and Television Sets	1904-AA28
530	Energy-Efficiency Test Procedures for Refrigerator-Freezers and Freezers	1904-AA35
531	Energy Conservation Standards for Water Heaters; Technical Amendments	1904-AA36

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
532	State Energy Conservation Program (SECP) -- Use of Oil Overcharge Funds for Building Energy Conservation Materials and Equipment	1904-AA30
533	Regulations Implementing National Appliance Energy Conservation Act; Certification and Enforcement, Waiver of Federal Preemption and Small Manufacturer Exemptions	1904-AA32

Defense Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
534	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Q Access Authorization	1992-AA11

Departmental and Others—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
535	Part 605 Special Research Grants Program; Proposed Rule	1901-AA07
536	Annotation of Land Records; Uranium Mill Tailing Remedial Action Program	1901-AA12

Departmental and Others—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
537	Model Federal Policy for Protection of Human Research Subjects	1901-AA13

DOE

Economic Regulatory Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
538	New Administrative Procedures with Respect to Short-Term Imports and Exports of Natural Gas	1903-AA07

Economic Regulatory Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
539	Powerplant and Industrial Fuel Use Act of 1978; Revisions	1903-AA08

Management and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
540	Department of Energy Acquisition Regulation Revisions; Patent Policy	1991-AA23
541	Department of Energy Property Management Regulation; Official Use of Motor Vehicles	1991-AA28
542	Department of Energy Acquisition Regulation; Miscellaneous Changes on Acquisition of Personal Property	1991-AA32
543	Proposed Rule on DOE Contractor Drug Free Workplace Policy	1991-AA39
544	Revised Policy on Objective Merit Review of Discretionary Financial Assistance Applications	1991-AA41
545	Research Opportunity Announcements	1991-AA42
546	Resolution of Disputes Between Subcontractors and DOE Management and Operating Contractors	1991-AA44
547	Department of Energy Acquisition Regulation: Internal Controls Systems	1991-AA50
548	Department of Energy Acquisition Regulation: Price-Anderson Act	1991-AA52
549	Department of Energy Acquisition Regulation: Environmental, Safety, and Health Requirements	1991-AA53

Management and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
550	Department of Energy Acquisition Regulation; Use of Contract Carriers by Cost Reimbursable Contractors	1991-AA37
551	Department of Energy Acquisition Regulation: Miscellaneous Amendments	1991-AA49
552	Referral of Debts to IRS for Tax Refund Offset	1991-AA54
553	Uniform Administrative Requirements for Grants and Cooperative Agreements	1991-AA55
554	Financial Assistance Rules; Technical Corrections	1991-AA56

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
555	Drug-Free Workplace Requirements	1991-AA51

Office of General Counsel—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
556	Amendments to Department of Energy Conduct of Employees Regulations	1990-AA00
557	Patent Waiver Regulation	1990-AA02

DOE

Office of General Counsel—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
558	Foreign Gifts and Decorations	1990-AA04
559	Indemnification of Department of Energy Officials and Employees	1990-AA11
560	Production or Disclosure of Material or Information and Provision of Agency Witnesses in Federal and State Proceedings	1990-AA12
561	Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material; Revision of Current Procedures	1990-AA13

Office of General Counsel—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
562	Class Patent Waivers	1990-AA07

Office of General Counsel—Completed Actions

Sequence Number	Title	Regulation Identifier Number
563	Implementation of the Program Fraud Civil Remedies Act of 1986	1990-AA08

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Conservation and Renewable Energy (CE)

523. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: 42 USC 8255; PL 95-619, Sec 545; PL 99-509, Sec 3301; EO 11912; EO 12003; PL 99-509; PL 100-615

CFR Citation: 10 CFR 436

Legal Deadline: None

Abstract: Under the National Energy Conservation Policy Act, DOE has promulgated regulations establishing a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act required that the regulations provide for the use of marginal energy costs in the life cycle cost analyses. DOE sought legislative revisions to authorize use of average energy costs rather than marginal costs. Appropriate legislative relief came with the Omnibus Budget Reconciliation Act of 1986. The current rulemaking would update base year prices and energy cost escalation rates based on current average energy cost projections. It would also eliminate the need for Federal Register publication of future annual updates so long as there is no significant change in the method for making average energy cost projections. In addition, the Federal Energy Management Improvement Act requires the Secretary of Energy to establish the discount rate for life cycle costing. The current rulemaking would include the methodology by which the discount rate will be established.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: K. Dean DeVine, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-6784

RIN: 1904–AA06

524. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART B - VOLUNTARY PERFORMANCE STANDARDS FOR NEW NON-FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the Federal Government. Subpart B develops

DOE—CE

Proposed Rule Stage

voluntary standards for new non-Federal residential buildings.

DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Sectors Affected: Multiple

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9445

RIN: 1904–AA34

525. ENERGY-EFFICIENCY STANDARDS FOR DISHWASHERS, CLOTHES WASHERS AND CLOTHES DRYERS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory. The NAECA requires DOE determinations on need to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The statute requires completion of a second reanalysis of all[cont]

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA), as amended, extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial energy-efficiency standard levels for most types of major appliances and generally requires DOE to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standards for dishwashers, clothes washers and clothes dryers to determine whether those levels need to be amended.

Timetable:

Action	Date	FR Cite
ANPRM	05/18/88	53 FR 17712
ANPRM Comment Period End	07/18/88	53 FR 17712
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Additional Information: LEGAL DEADLINE CONT: then-extant standards in a period from 7/1/94 to 12/31/2006. The NAECA requires a final determination on these three products by 01/01/90.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA37

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Conservation and Renewable Energy (CE)

526. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART A - COMMERCIAL AND MULTI-FAMILY HIGH RISE RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal sector and mandatory standards for the Federal Government. Subpart A develops standards for both Federal and non-Federal commercial buildings and multi-family high rise buildings.

DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 17051
NPRM Comment Period End	08/04/87	
Interim Final Rule	01/30/89	54 FR 4538
Interim Final Rule Effective Date	07/31/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9445

RIN: 1904–AA08

527. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. In February 1984, DOE proposed to establish test procedures for heat pump water heaters and to eliminate the need

for the test procedure waiver granted to A.O. Smith for its water heater with a thermal compensatory dip tube. Based on the comments received pursuant to the February 8, 1984 NPRM, the Department prepared a new NPRM published March 13, 1987. This NPRM proposed a single test procedure to cover gas, oil and electric water heaters as well as heat pump water heaters, and extended the test procedures to cover instantaneous type water heaters. In addition to the A.O. Smith matter, the rulemaking would eliminate the need for the test procedure waivers granted Bock Corp., Ford Products and Lockinvar Corp. for their high mass oil-fired water heaters.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	49 FR 4870
NPRM Test Procedures for Water Heaters	03/13/87	49 FR 7972
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Under a separate rulemaking (RIN: 1904-AA36), the Secretary will determine whether the test procedure amendment alters the measured water heater efficiency and, if so, will establish corrective technical amendments to the energy conservation standard.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-9127**

RIN: 1904–AA12

528. ENERGY CONSERVATION PERFORMANCE STANDARDS FOR NEW BUILDINGS; SUBPART C - MANDATORY PERFORMANCE STANDARDS FOR NEW FEDERAL RESIDENTIAL BUILDINGS

Legal Authority: 42 USC 6831 et seq

CFR Citation: 10 CFR 435

Legal Deadline: Final, Statutory, October 1983.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary standards for the non-Federal sector and mandatory standards for the Federal Government. Subpart C develops mandatory standards for new Federal residential buildings.

DOE is required to conduct demonstrations of interim standards and report its findings to Congress, prior to the development and promulgation of final standards.

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29754
NPRM Comment Period End	01/16/87	51 FR 222
Interim Final Rule	08/25/88	53 FR 32536
Proposed modification of Interim Final Rule	08/25/88	53 FR 32547
Interim Final Rule Effective	02/21/89	53 FR 32536
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1989

Analysis: Economic Analysis 08/20/86 (51 FR 29773); Environmental FONSI 08/20/86 (51 FR 29773)

Additional Information: On 08/25/88, the Department proposed to modify the interim final rule in three respects (53 FR 32547). To the computerized building design program (COSTSAFR) would be added: (1) credit for three mass-wall configurations; (2) new energy data on window glazings; and (3) a mathematical process for integrating innovative design options into the analysis.

Agency Contact: James A. Smith, Director, Building Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, **202 586-9445**

RIN: 1904–AA27

529. ENERGY-EFFICIENCY STANDARDS FOR REFRIGERATORS AND RELATED PRODUCTS, SMALL GAS FURNACE AND TELEVISION SETS

Significance: Regulatory Program

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Legal Deadline: Other, Statutory. The NAECA requires DOE determinations to amend Federal appliance standards in a period from 7/1/89 to 1/1/94. The Statute requires completion of a second reanalysis of all then-extant (cont)

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA), amended, extensively amends the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances and generally requires the Department to undergo two subsequent rulemakings, at specified times, to determine whether the extant standard for a covered product should be amended. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. This rulemaking will review the statutory standard levels for refrigerators, refrigerator-freezers, and freezers to determine whether those levels need to be (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/07/87	52 FR 46367
ANPRM Comment Period End	02/05/88	52 FR 46367
NPRM	12/02/88	53 FR 48798
NPRM Comment Period End	01/31/89	53 FR 48798
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

DOE—CE

Final Rule Stage

Analysis: Regulatory Impact Analysis; FONSI Energy Conservation Standards 12/02/88 (53 FR 48826)

Additional Information: ABSTRACT CONT: amended; for small gas furnaces, will set an initial standard within the statutory range; and will determine whether any standard for television sets is warranted. LEGAL DEADLINE CONT: standards in a period from 7/1/94 to 12/31/2006. Statutory deadlines for this rulemaking: proposal on standards for refrigerators and related products (7/1/88) and establishment of the small gas furnace standards level (1/1/89), the earliest NAECA deadline for a final action.

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA28

530. ENERGY-EFFICIENCY TEST PROCEDURES FOR REFRIGERATOR-FREEZERS AND FREEZERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Legal Deadline: None

Abstract: DOE has proposed to amend existing test procedures for refrigerator-freezers and freezers to alleviate the requirement for waivers for units equipped with variable defrost controls. The proposal also addresses refrigerator-freezers equipped with two compressors. The proposed amendments would eliminate the need for the test procedure waivers granted Whirlpool and White Consolidated Industries, Inc., for their variable defrost control refrigerator-freezers.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37416
NPRM Comment Period End	11/25/88	
Final Action	07/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA35

531. ENERGY CONSERVATION STANDARDS FOR WATER HEATERS; TECHNICAL AMENDMENTS

Legal Authority: 42 USC 6292

CFR Citation: 10 CFR 430.32

Legal Deadline: None

Abstract: This action would be a technical amendment, based on water heater test procedure changes in progress (see 1904 - AA12), of the statutory standard for water heaters contained in the National Appliance Energy Conservation Act of 1987 (NAECA), as amended. This amendment could change the way the standard level is measured, but would not change the level of the minimum energy conservation standard itself. NAECA requires amendment of the applicable standard if the Secretary determines that an amended test procedure will alter the measured efficiency of the standard. This technical amendment of the standard is to be completed concurrently with the rulemaking with respect to the amended test procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1890
NPRM Comment Period End	03/20/89	54 FR 1890
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Michael J. McCabe, Supervisory Mechanical Engineer, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA36

DEPARTMENT OF ENERGY (DOE)

Conservation and Renewable Energy (CE)

Completed Actions

532. STATE ENERGY CONSERVATION PROGRAM (SECP) -- USE OF OIL OVERCHARGE FUNDS FOR BUILDING ENERGY CONSERVATION MATERIALS AND EQUIPMENT

Legal Authority: 42 USC 6321 to 6327

CFR Citation: 10 CFR 420, (Revision)

Legal Deadline: None

Abstract: This rulemaking has modified the prohibition in the State Energy Conservation Program (SECP) regulations on the purchase and installation of equipment and materials for energy conservation building retrofits and weatherization. This prohibition was relaxed in order to take advantage of the so-called petroleum violation escrow (PVE) funds the State elects to spend through the SECP. The funds will be used to promote the leveraging of funds through financial incentive mechanisms. As with all State SECP activities, actions taken under these amendments would have to be included in an approved program plan.

Timetable:

Action	Date	FR Cite
NPRM	10/22/87	52 FR 39604
Final Action	12/27/88	53 FR 52390
Final Action Effective	12/27/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sandra Monje, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, Energy Management and Extension, Office of State and Local Assistance, Washington, DC 20585, 202 586-8295

RIN: 1904–AA30

533. REGULATIONS IMPLEMENTING NATIONAL APPLIANCE ENERGY CONSERVATION ACT; CERTIFICATION AND ENFORCEMENT, WAIVER OF FEDERAL PREEMPTION AND SMALL MANUFACTURER EXEMPTIONS

Significance: Regulatory Program

DOE—CE

Completed Actions

Legal Authority: 42 USC 6291 to 6309

CFR Citation: 10 CFR 430.1; 10 CFR 430.2; 10 CFR 430.22; 10 CFR 430.40; 10 CFR 430.50; 10 CFR 430.60; 10 CFR 430.70

Legal Deadline: None

Abstract: The National Appliance Energy Conservation Act of 1987 (NAECA), as amended, extensively amended the Department's statutory authorities and responsibilities regarding energy efficiency standards for major household appliances. The NAECA establishes initial statutory energy-efficiency standard levels for most types of major appliances. These products are: refrigerators, refrigerator-freezers, and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; pool heaters; direct heating equipment; furnaces; dishwashers; clothes washers; clothes dryers; kitchen ranges and ovens; and fluorescent lamp ballasts. Other appliances, including television sets, may be regulated by the Department essentially as provided for in prior law. Although the standards prescribed by the NAECA generally supersede all State and local standards for these products, the Act allows States to petition for and DOE to grant exemption from Federal preemption and allows small manufacturers to apply for temporary exemption from the standard. This rulemaking establishes procedures for these preemption and exemption provisions, and for certification (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/88	53 FR 7110
NPRM Comment Period End	05/03/88	
Final Action	02/07/89	54 FR 6062
Final Action Effective	03/09/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Additional Information: ABSTRACT CONT: and enforcement aspects of the program.

Agency Contact: Michael J. McCabe, Supervisory Engineer, Department of Energy, Conservation and Renewable Energy, CE-132, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9127

RIN: 1904–AA32

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Final Rule Stage

534. CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL; Q ACCESS AUTHORIZATION

Significance: Agency Priority

Legal Authority: 42 USC 2014aa Atomic Energy Act of 1954, Sec 11aa; 42 USC 2201 Atomic Energy Act of 1954, Sec 161; 10 CFR 710

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: The protection of certain of the Department's security interests, with the potential, if misused, of causing unacceptable damage to the national security, requires the implementation of a program designed to assure that individuals occupying positions affording access to certain material, facilities, and programs meet the highest standards of reliability. This action would establish a Q (R) access authorization for individuals applying for or currently holding a position identified as a personnel security assurance program (PSAP) position. The security clearance determination would, through a system of continuous evaluation, identify those individuals whose judgment may be impaired by physical and/or emotional disorders, the use of controlled substances, or the use of alcohol habitually to excess.

Timetable:

Action	Date	FR Cite
NPRM	02/02/89	54 FR 5376
NPRM Comment Period End	03/06/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Hershkowitz, Chief, Assurance and Analysis Br. (DP-344.3), Assurance Program, Department of Energy, Defense Programs, Office of Safeguards & Security, DP-344.3, Washington, DC 20585, 301 353-5671

RIN: 1992–AA11

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Proposed Rule Stage

535. PART 605 SPECIAL RESEARCH GRANTS PROGRAM; PROPOSED RULE

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Legal Deadline: None

Abstract: This action would revise administrative guidelines in order to clarify and streamline DOE-OER pre- and post-award policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Zich, Director, Acquisition and Assistance, Management Division (ER-64), Department of Energy, Departmental and Others, (ER64) Office of Energy Research, Washington, DC 20545, 301 353-5544

RIN: 1901–AA07

DOE—ENDEP **Proposed Rule Stage**

536. ANNOTATION OF LAND RECORDS; URANIUM MILL TAILING REMEDIAL ACTION PROGRAM

Significance: Agency Priority

Legal Authority: 42 USC 7901 Uranium Mill Tailings Radiation Control Act of 1978

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: PL 95-604 assigned the Department of Energy the authority to conduct remedial actions at 24 processing sites and associated vicinity properties. Section 104(d) states that the Department shall issue appropriate rules and regulations concerning annotation of land records where residual radioactive materials were located and when remedial action took place. The Department will begin rulemaking proceedings during FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	05/00/89	
Final Action	07/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sally A. Mann, Dir., Div. of Uranium Mill Tailings Projects, Division, NE-22, Department of Energy, Departmental and Others, Office of Nuclear Energy, Washington, DC 20545, 301 353-6436

RIN: 1901–AA12

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Final Rule Stage

537. MODEL FEDERAL POLICY FOR PROTECTION OF HUMAN RESEARCH SUBJECTS

Significance: Agency Priority

Legal Authority: PL 95-622; PL 93-438, Sec 105A

CFR Citation: 10 CFR 745, (Revision)

Legal Deadline: None

Abstract: In response to the First Biennial Report of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, DOE along with all other affected Federal departments and agencies following the lead of DHHS will adopt and implement a uniform code of regulations for the protection of human subjects in Federal research projects. This will replace the prior regulations adopted by DOE in 1976 and make DOE requirements uniform with the DHHS policies.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45661
NPRM Comment Period End	01/09/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Susan L. Rose, Health Scientist, Department of Energy, Departmental and Others, Office of Energy Research, Human Health and Assessments Division(ER-73), Washington, DC 20545, 301 353-4731

RIN: 1901–AA13

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Proposed Rule Stage

538. NEW ADMINISTRATIVE PROCEDURES WITH RESPECT TO SHORT-TERM IMPORTS AND EXPORTS OF NATURAL GAS

Legal Authority: 15 USC 717b; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 590

Legal Deadline: None

Abstract: The rule would amend the administrative procedure regulations contained in 10 CFR 590, by establishing a new Subpart F to provide alternative, expedited procedures regarding applications to import and export natural gas on a short-term basis. The rule would reduce the regulatory burden on parties wishing to import or export natural gas on a short-term or spot market basis by streamlining our licensing process, thus facilitating the operation of the market.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Constance L. Buckley, Director, Natural Gas Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9482

RIN: 1903–AA07

DEPARTMENT OF ENERGY (DOE)

Final Rule Stage

Economic Regulatory Administration (ERA)

539. POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978; REVISIONS

Significance: Agency Priority

Legal Authority: 42 USC 8301 et seq; PL 100-42; 42 USC 7101 et seq; EO 12009

CFR Citation: 10 CFR 500; 10 CFR 501; 10 CFR 503; 10 CFR 504

Legal Deadline: None

Abstract: Legislative changes and economic conditions have made it necessary to modify the regulatory language to comport with Congressional intent of the amended Fuel Use Act. Specifically, ERA has proposed to remove all language that relates to industrial facilities. The fuel price calculations and inflation indices used in the cost test calculations supporting exemptions based on a lack of alternate fuel at a cost that does not substantially exceed the cost of using imported petroleum will be changed. ERA has also proposed to insert language that will dramatically decrease the evidence that must be presented to qualify for an FUA exemption when a powerplant certifies to the technical and financial feasibility of using an alternate fuel at a future date.

Timetable:

Action	Date	FR Cite
NPRM	01/25/89	54 FR 3726
NPRM Comment Period End	03/20/89	
Final Action	09/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Anthony J. Como, Director, Coal & Electricity Division, Department of Energy, Economic Regulatory Administration, 1000 Independence Ave., SW, Room GA-093 RG-22, Washington, DC 20585, 202 586-5935

RIN: 1903–AA08

DEPARTMENT OF ENERGY (DOE)

Proposed Rule Stage

Management and Administration (MA)

540. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS; PATENT POLICY

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	09/00/89	
Final Action	01/00/90	
Final Action Effective	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8247

RIN: 1991–AA23

541. DEPARTMENT OF ENERGY PROPERTY MANAGEMENT REGULATION; OFFICIAL USE OF MOTOR VEHICLES

Legal Authority: 42 USC 7254

CFR Citation: 41 CFR 109

Legal Deadline: None

Abstract: To update the Property Management Regulations regarding official use of motor vehicles. The rule would also make various other minor upgrading changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative, Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991–AA28

542. DEPARTMENT OF ENERGY ACQUISITION REGULATION; MISCELLANEOUS CHANGES ON ACQUISITION OF PERSONAL PROPERTY

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 908; 48 CFR 970; 48 CFR 907; 48 CFR 944; 48 CFR 945; 48 CFR 951; 48 CFR 952

Legal Deadline: None

Abstract: To provide additional policy guidance on the acquisition of personal property in the areas concerning acquisition plans, Government supply sources, consideration for subcontracts, Government property, and updating solicitation provisions and contract clauses.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wilson, Supply Management Representative,

DOE—MA

Proposed Rule Stage

Department of Energy, Management and Administration, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-8260

RIN: 1991–AA32

543. PROPOSED RULE ON DOE CONTRACTOR DRUG FREE WORKPLACE POLICY

Significance: Agency Priority

Legal Authority: 42 USC 2011 et seq Atomic Energy Act

CFR Citation: 10 CFR 707

Legal Deadline: None

Abstract: Will establish comprehensive drug abuse prevention policy and program at DOE-owned or -leased operations consistent with DOE responsibility to protect public health and safety and national security. Regulation will address drug testing requirements, educational and training programs, drug counseling and rehabilitation, confidentiality and protection of privacy of employees. Costs incurred will affect cost reimbursement type contracts for managing, operating, constructing, and servicing DOE facilities. Benefits will be in establishing reasonable level of consistency among contractor programs and resultant cost to the Government and in reducing risk of unacceptable damage to security environment, health and safety of employees and the public.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	
NPRM Comment Period End	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Juanita E. Smith, Director, Employee Relations, Office of Industrial Relations, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-9033

RIN: 1991–AA39

544. REVISED POLICY ON OBJECTIVE MERIT REVIEW OF DISCRETIONARY FINANCIAL ASSISTANCE APPLICATIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This regulation establishes standards for program offices to follow in conducting objective merit review of discretionary awards. It addresses problems with inconsistencies among programs and uncertainties about processes within DOE. No costs are apparent. Benefits include consistency and greater public awareness of agency procedures. This regulation also implements OMB-encouraged grants management changes growing out of the Florida Demonstration Project. No costs are apparent. Benefits include less governmental and recipient paperwork and greater recipient efficiency.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8174

RIN: 1991–AA41

545. RESEARCH OPPORTUNITY ANNOUNCEMENTS

Legal Authority: 42 USC 7254 et seq

CFR Citation: 48 CFR 935; 48 CFR 917

Legal Deadline: None

Abstract: The purpose of this action is to amend the Acquisition Regulations (DEAR) to implement policies and procedures concerning the use of broad agency announcements, a form of competitive solicitation, as allowed by FAR 35.016.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Simpson, Procurement Analyst, Department of Energy, Management and Administration, MA 421, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8246

RIN: 1991–AA42

546. RESOLUTION OF DISPUTES BETWEEN SUBCONTRACTORS AND DOE MANAGEMENT AND OPERATING CONTRACTORS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: Establishes a system, by regulation, to allow subcontractors under DOE Management and Operating contracts access in certain circumstances to the Energy Board of Contract Appeals in resolution of disputes with the contractor. Also clarifies that DOE Contracting Officers lack authority to designate Management and Operating contractors as purchasing agents for DOE absent special authorization.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Webb, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8247

RIN: 1991–AA44

547. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION: INTERNAL CONTROLS SYSTEMS

Legal Authority: 42 USC 7254; 40 USC 486(c)

DOE—MA **Proposed Rule Stage**

CFR Citation: 48 CFR 970

Legal Deadline: None

Abstract: This action would amend the Department of Energy Acquisition Regulation to require its Management and Operating Contractors to develop and maintain systems of internal controls to discourage waste, fraud and abuse.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard K. Mitchell, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8190

RIN: 1991–AA50

548. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION: PRICE-ANDERSON ACT

Legal Authority: 42 USC 2014

CFR Citation: 48 CFR 952; 48 CFR 970

Legal Deadline: None

Abstract: The purpose of this action is to amend the regulations which implement the Price-Anderson Act. Amendments are necessary to incorporate the revisions included in the Price-Anderson Amendments Act of 1988. These regulations deal only with those aspects of the Price-Anderson legislation incorporated in the agency's acquisition regulations, e.g., contract clauses providing Nuclear Hazards Indemnity.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles A. Dan, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8247

RIN: 1991–AA52

549. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION: ENVIRONMENTAL, SAFETY, AND HEALTH REQUIREMENTS

Legal Authority: 42 USC 7254; 40 USC 486(c)

CFR Citation: 48 CFR 916; 48 CFR 970

Legal Deadline: None

Abstract: The Department of Energy is proposing to amend the Department of Energy Acquisition Regulation to clarify and emphasize environmental protection, safety and health requirements for contractors.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: P. Devers Weaver, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8250

RIN: 1991–AA53

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA) **Final Rule Stage**

550. DEPARTMENT OF ENERGY ACQUISITION REGULATION; USE OF CONTRACT CARRIERS BY COST REIMBURSABLE CONTRACTORS

Legal Authority: PL 95-91

CFR Citation: 48 CFR 952

Legal Deadline: None

Abstract: Amend Procurement Regulations (DEAR) in order to implement GSA Bulletin FPMR A-90 and FPMR Temporary Regulation 30. Use of Government contractor airlines, hotels/motels and car rental agencies by cost reimbursable contractor employees.

Timetable:

Action	Date	FR Cite
NPRM	12/29/86	51 FR 46884
NPRM Comment Period End	01/28/87	51 FR 46884
Final Action	09/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Additional Information: DOE is awaiting action by the DAR Council and the CAA Council which published a similar proposed rule on 3/24/87. Publication of their final rule for the FAR will override the need for a final rule to be published for the DEAR.

Agency Contact: Gwendolyn Cowan, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8189

RIN: 1991–AA37

551. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION: MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 7254

CFR Citation: 48 CFR 901; 48 CFR 904; 48 CFR 906; 48 CFR 908; 48 CFR 913; 48 CFR 916; 48 CFR 935; 48 CFR 942; 48 CFR 945; 48 CFR 970

Legal Deadline: None

Abstract: This amendment would revise the Acquisition Regulation (DEAR) by clarifying and updating certain policy and procedural requirements such as approval authorities for particular actions, addresses for certain submissions, changes in property recordkeeping requirements, etc.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1735
NPRM Comment Period End	03/03/89	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cherlyn D. Seckinger, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence

DOE—MA **Final Rule Stage**

Avenue, SW, Washington, DC 20585, 202 586-9737

RIN: 1991–AA49

552. ● REFERRAL OF DEBTS TO IRS FOR TAX REFUND OFFSET

Legal Authority: 31 USC 3720A; PL 98-369

CFR Citation: 10 CFR 1018

Legal Deadline: None

Abstract: This rule establishes regulations under which the Department of Energy will refer past due legally enforceable debts to the Internal Revenue Service (IRS) for offset against the income tax refunds of persons owing debts to the Department. The agreement with IRS requires DOE to promulgate regulations governing the operation of the Federal Tax Refund Offset program for 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/09/89	54 FR 772
Interim final rule comment period end	02/08/69	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Myers, Staff Accountant, Department of Energy, Management and Administration, 1000 Independence Avenue, SW. (MA-31), Washington, DC 20585, 202 586-4860

RIN: 1991–AA54

553. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: Regulation is part of governmentwide common rule making changes to A-110 and merging into the common rule growing out of A-102. A-110 is a Federal directive. Another alternative may be to separate A-110 from A-102 or to update and maintain Circular A-110. Under auspices of OMB, all agencies published NPRM's on 11/04/88.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44724
NPRM Comment Period End	01/03/89	53 FR 44716
Final Action	09/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8174

RIN: 1991–AA55

554. ● FINANCIAL ASSISTANCE RULES; TECHNICAL CORRECTIONS

Legal Authority: 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 600

Legal Deadline: None

Abstract: This regulation contains technical nonsubstantive corrections to the Financial Assistance Rules to eliminate typographical errors and repetition. No costs apparent.

Timetable:

Action	Date	FR Cite
NPRM	02/09/89	54 FR 6296
NPRM Comment Period End	03/13/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Cavanagh, Director, Division of Business and Financial Policy, Department of Energy, Management and Administration, 1000 Independence Avenue, SW., Washington, DC 20585, 202 586-8174

RIN: 1991–AA56

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

555. ● DRUG-FREE WORKPLACE REQUIREMENTS

Legal Authority: 41 USC 701; 42 USC 7254; 42 USC 7256; 31 USC 6301 to 6308

CFR Citation: 10 CFR 103

Legal Deadline: None

Abstract: Implements the Drug-Free Workplace Act of 1988. Cost incurred is increased reporting and recordkeeping. The benefit is carrying out the public policy embodied in the Drug-Free Workplace Act.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 4947
Final Action Effective	03/18/89	54 FR 4947

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: James J. Cavanagh, Director, Business and Financial Policy Division, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-8174

RIN: 1991–AA51

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Proposed Rule Stage

556. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES REGULATIONS

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Legal Deadline: None

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Appendix I of the Regulations, regarding employee financial disclosure requirements, was published as a Final Rule in April 1988.

Agency Contact: MaryAnn Shebek, Acting Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-1522**

RIN: 1990–AA00

557. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908; PL 99-661

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Legal Deadline: None

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard E. Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-2802**

RIN: 1990–AA02

558. FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342; 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Legal Deadline: None

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryAnn Shebek, Acting Deputy Assistant General Counsel for General Law, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 586-1522**

RIN: 1990–AA04

559. INDEMNIFICATION OF DEPARTMENT OF ENERGY OFFICIALS AND EMPLOYEES

Legal Authority: 42 USC 7131; 42 USC 7231; 42 USC 7254; 28 CFR 50.15 (a)(7)(iii)

CFR Citation: 10 CFR 1012

Legal Deadline: None

Abstract: The Department of Energy does not have a policy for indemnifying its employees who are sued personally and suffer an adverse judgment as a result of conduct taken within the scope of employment. Lawsuits against Federal employees in their personal capacity can constitute a major impediment to the effective conduct of the public's business, since employees faced with the potential of being held personally liable may be inhibited in discharging their duties. To deal with this problem, the Department proposes to establish a policy permitting, but not requiring, the indemnification of an employee who suffers an adverse verdict, judgment, or other monetary award when the actions giving rise to liability were within the scope of his employment and indemnification is in the interest of the Government. This policy would be modeled on a similar policy already adopted by the Department of Justice for its employees.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	10/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacob D. Vreeland, Trial Attorney, Department of Energy, Office of General Counsel, GC-22, Washington, DC 20585, **202 586-8709**

RIN: 1990–AA11

560. PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION AND PROVISION OF AGENCY WITNESSES IN FEDERAL AND STATE PROCEEDINGS

Legal Authority: 42 USC 7254; 5 USC 301; 28 CFR 1621

CFR Citation: 10 CFR 202

Legal Deadline: None

Abstract: The intent of this regulation is to establish an agency-wide procedure for processing and responding to subpoenas or requests for Department of Energy records or testimony by Department of Energy officers and employees. A regulation intended to fulfill this purpose currently exists. However, relocating its position in the Code of Federal Regulations and

DOE—OGC — Proposed Rule Stage

some minor language changes would clarify its applicability. In addition, efficient application of the regulation will be promoted by more closely modeling it on the comparable Department of Justice regulation, since the Department of Justice is usually responsible for representing the Department of Energy in such matters. The cost of this action is expected to be de minimis and could effect a savings, since clarification and recodification of the existing regulation may avoid needless litigation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	08/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Robin A. Henderson, Trial Attorney, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, GC-22, Washington, DC 20585, 202 586-6700

RIN: 1990–AA12

561. ● CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SIGNIFICANT QUANTITIES OF SPECIAL NUCLEAR MATERIAL; REVISION OF CURRENT PROCEDURES

Legal Authority: 42 USC 2161; 42 USC 2165; 42 USC 2201

CFR Citation: 10 CFR 710

Legal Deadline: None

Abstract: Revision and amendment of the current administrative procedure is necessary to streamline and shorten the process for resolving questions concerning the eligibility of individuals who are employed by or applicants for employment with DOE contractors, agents, and access permittees of the DOE, individuals who are DOE employees or applicants for DOE employment, and other persons designated by the Secretary of DOE for access to Restricted Data or significant quantities of special nuclear material, or for access to national security information.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack M. Kress, Deputy General Counsel for Legal Services, Department of Energy, Office of General Counsel, GC-40; Room 6A-197, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-5246

RIN: 1990–AA13

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Final Rule Stage

562. CLASS PATENT WAIVERS

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 785

Legal Deadline: None

Abstract: The proposed regulation would provide for certain class waivers, serving to streamline and simplify procedures for DOE contractors to seek rights in inventions made under DOE research and development contracts.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44602
NPRM Comment Period End	01/09/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Constant, Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 586-2802

RIN: 1990–AA07

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Completed Actions

563. IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 31 USC 3801 to 3812

CFR Citation: 10 CFR 1013

Legal Deadline: Final, Statutory, May 1, 1987.

Abstract: These regulations establish administrative procedures for imposing the statutorily authorized civil penalties and assessments against any person who makes, submits, or presents a false, fictitious, or fraudulent claim or written statement to the Department of Energy. No other alternatives are being considered, since these are congressionally mandated regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/87	52 FR 20403
NPRM Comment Period End	07/31/87	52 FR 20403
Final Action	10/30/88	53 FR 44379
Final Action Effective	10/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jack M. Kress, Deputy General Counsel for Legal Services, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, Washington, DC 20585, 202 586-5246

RIN: 1990–AA08

[FR Doc. 89-6177 Filed 04-21-89; 8:45 am]

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Federal Register

Monday
April 24, 1989

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I-V

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 24, 1988.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: Charlotte E. Lewis, Regulations Coordinator, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, SW., Washington, DC 20201, Telephone: (202) 245-6824.

W. Keith Lively,

Deputy Executive Secretary to the Department.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
564	Revisions to "Quality of Care" Exclusion and Payment Denial Regulations	0991-AA61

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
565	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
566	Civil Money Penalties and Sanctions for HMOs and Competitive Medical Plans	0991-AA44
567	Prohibition on Use of Physician Incentive Plans	0991-AA45
568	New Civil Money Penalties and Exclusions Authorities Resulting from OBRA 1986 and OBRA 1987	0991-AA46
569	Amendments to OIG Exclusion and CMP Authorities Resulting from PL 100-93	0991-AA47
570	PRO Rural Practitioners Amendments	0991-AA51
571	Civil Money Penalties and Sanction Authorities Relating to the Medicare Catastrophic Coverage Provisions	0991-AA52
572	Civil Money Penalties for Violations Relating to Medical Supplemental Policies	0991-AA53
573	Civil Money Penalties for Misuse of Departmental Symbols or Emblems	0991-AA54
574	Block Grant Programs	0991-AA55
575	Contract Audit Policy	0991-AA59
576	Revisions to the PRO Sanctions Notification Process	0991-AA60

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
577	Nondiscrimination Requirements (Including on the Basis of Sex or Religion) Applicable to Block Grants and Standard Nondiscrimination Procedures Applicable to Certain Other Programs	0991-AA02
578	Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22
579	Audits of Non-governmental Grantees	0991-AA29
580	Civil Money Penalties and Exclusions for Assistants at Cataract Surgery	0991-AA37
581	Civil Money Penalties for Failure to Report Medical Malpractice Payments and for Breaching the Confidentiality of Information	0991-AA40
582	OIG Anti-Kickback Provisions	0991-AA49
583	Uniform Administrative Requirements for Grants and Cooperative Agreements	0991-AA56
584	Standardization and Uniform Application of CMP Procedures	0991-AA57

HHS

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
585	Freedom of Information Act Regulation	0991-AA07
586	Privacy Act Regulation	0991-AA11
587	Administrative Adjudication of Certain Health Care Exclusion Cases	0991-AA58

Departmental Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
588	Implementation of the Equal Access to Justice Act in Agency Proceedings	0990-AA02
589	Testimony by Employees and the Production of Documents in Proceedings Where the United States is not a Party	0990-AA03

Office of Human Development Services—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
590	Foster Care, Adoption Assistance, and Child Welfare Services	0980-AA08
591	Runaway and Homeless Youth Program	0980-AA11
592	Head Start Criteria for Selection of New Grantees	0980-AA17
593	Head Start Appeals Process	0980-AA20
594	Head Start Recruitment Selection and Enrollment of Children	0980-AA27
595	Head Start: Limits on Costs of Development and Administration	0980-AA32
596	Head Start Performance Standards for Infants, Toddlers, and Pregnant Women	0980-AA33
597	Adoption and Foster Care Information	0980-AA35
598	Child Abuse and Neglect: technical amendments	0980-AA40

Office of Human Development Services—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
599	Head Start Staff and Program Options Requirements	0980-AA18
600	Head Start Performance Standards for Services to Handicapped Children	0980-AA21
601	Developmental Disabilities Program	0980-AA36

Office of Human Development Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
602	Nonrecurring Costs of Adoption	0980-AA24
603	Native Hawaiian Loan Fund Demonstration Project	0980-AA37

HHS

Social Security Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
604	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
605	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
606	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
607	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
608	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
609	Disclosure of Information for Law Enforcement Purposes	0960-AB66
610	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Evaluation Guides for Determining Substantial Gainful Activity (SGA)	0960-AB73
611	Supplemental Security Income Program; Exclusions from Income and Resources of Indian Judgement Funds and Per Capita Distributions	0960-AB86
612	Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Childhood	0960-AB96
613	Old-Age, Survivors, and Disability Insurance Program; Evaluation Criteria for Immune System Disorders, Including HIV Infection (Acquired Immunodeficiency Syndrome (AIDS)/AIDS-Related Complex)	0960-AC06
614	Old-Age, Survivors, and Disability Insurance Program; Nonpayment of Benefits to Prisoners, Vocational Rehabilitation Exception	0960-AC16
615	Supplemental Security Income Program; Continuation of Benefits and Special Eligibility for Certain Severely Impaired Recipients Who Work	0960-AC22
616	Supplemental Security Income Program; Payment of Benefits Due Deceased Recipients	0960-AC28
617	Old-Age, Survivors and Disability Insurance Program and Organization and Functions; Correction of Earnings Records	0960-AC30
618	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Past Work Experience and Adjustment to Other Work	0960-AC39
619	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Fee Limitation Policy for Purchase of Laboratory Tests	0960-AC41
620	Supplemental Security Income Program; Proceeds of a Loan, Payment of Pro Rata Share of Household Operating Expenses	0960-AC42
621	Supplemental Security Income Program; Exclusion from Countable Resources of the Value of Promissory Notes in Home Replacement Situations	0960-AC43
622	Old-Age, Survivors, and Disability Insurance Program; Extension of Social Security Coverage to Certain Workers; Medicare Only Coverage of Certain State and Local Government Employees	0960-AC45
623	Old-Age, Survivors, and Disability Insurance Program; Applicability of Government Pension to Certain Federal Employees	0960-AC46
624	Supplemental Security Income Program; Exemption of Certain Assistance Payments from Retrospective Monthly Accounting	0960-AC49
625	Supplemental Security Income Program; Increase in Emergency Advance Payments	0960-AC50
626	Supplemental Security Income Program; Modification of Interim Assistance Reimbursement Program	0960-AC51
627	Supplemental Security Income Program; Exclusion from Income of Payments Received For and Used to Pay Last Illness and Death	0960-AC52
628	Supplemental Security Income Program; Continuation of Full Benefit Standard for Persons Temporarily Institutionalized	0960-AC55
629	Old-Age, Survivors, and Disability Insurance Program; Revision of Contributions for Support Rules	0960-AC57
630	Old-Age, Survivors, and Disability Insurance Program; Supplemental Earnings Reports	0960-AC58
631	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Representation of Parties - Suspension and Disqualification of Representatives	0960-AC59
632	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Determination of Disability - Determining State Agency Substantial Failure	0960-AC60
633	Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Vocational Regulations Restructuring and Clarification	0960-AC61

HHS

Social Security Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
634	Supplemental Security Income Program; Suspensions, Terminations, and Advance Notice of Adverse Determinations	0960-AA22
635	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
636	Old-Age, Survivors, and Disability Insurance Program; Treatment of OASDI Lump Sum and Monthly Payments in the Aid to Families with Dependent Children Program	0960-AA90
637	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Continued Payment of Benefits to Persons in Vocational Rehabilitation Programs	0960-AB05
638	Supplemental Security Income Program and Medicaid Assistance; What Is Not Income	0960-AB09
639	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Existing Medical Evidence	0960-AB22
640	Supplemental Security Income Program; How We Count Unearned Income--Funds Used to Pay Indebtedness	0960-AB29
641	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Determinations of Disability-Compliance, and Other Changes	0960-AB36
642	Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
643	Old Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39
644	Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs: Evaluation of Symptoms, Including Pain	0960-AB41
645	OASDI & SSI Programs; Overpayment and Liability for Repayment of an Overpayment	0960-AB78
646	Old-Age, Survivors and Disability Insurance; Black Lung; and Supplemental Security Income Programs; and Organization and Procedures; Application of Circuit Court Law	0960-AB85
647	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Decisions by Administrative Law Judges in Cases Remanded by Courts	0960-AC07
648	Supplemental Security Income Program: Federal Administration of Optional State Supplementation	0960-AC13
649	Supplemental Security Income Program; Permanent Residence in the United States Under Color of Law - Additional Category	0960-AC26
650	Old-Age, Survivors, and Disability Insurance Program; Employment, Wages, Self-Employment, and Self-Employment Income	0960-AC27
651	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Consideration of Vocational Factors	0960-AC31
652	Organization and Procedures, and OASDI Programs; Evidence Required for Original or Duplicate Social Security Number Card	0960-AC32
653	Organization and Procedures, and Old-Age, Survivors, and Disability Insurance Programs; Social Security Number Cards for Aliens	0960-AC34
654	Old-Age, Survivors, and Disability Insurance Program; Addition of Down Syndrome to the Listing of Impairments	0960-AC35
655	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; Cancelled Consultative Examinations	0960-AC40
656	Supplemental Security Income Program; Exclusion of Real Property When It Cannot Be Sold; and Transfer of Assets for Less Than Fair Market Value	0960-AC47
657	Supplemental Security Income Program; Exclusion From Resources of Funds Set Aside for Burial and Burial Spaces	0960-AC48
658	Supplemental Security Income Program; Public Emergency Shelters for the Homeless, Exclusion of Underpayments, Increase in Personal Needs Allowance	0960-AC54
659	Old-Age, Survivors, and Disability Insurance Program; Social Security Numbers for Newborn Children	0960-AC56
660	Old-Age, Survivors and Disability Insurance; Continued Payment of Benefits During Appeal	0960-AC62

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
661	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
662	Supplemental Security Income Program; Treatment of Property Held in Trust or Other Similar Legal Devices When the Property is Available for a Beneficiary's Support and Maintenance	0960-AB79
663	Old-Age, Survivors, and Disability Insurance Program; Reduction Because of Entitlement to Other Benefits	0960-AB87
664	Old-Age Survivors and Disability Insurance and Supplemental Security Income Programs; The Hearings and Appeals Process and Reopening Determinations and Decisions	0960-AC15

HHS

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
665	Waivers to Requirement That States Spend at Least a Certain Portion of State Block Grant Funds for New Mental Health Services and Programs	0905-AC99

Public Health Service—Centers for Disease Control (CDC)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
666	NIOSH Revision of Tests and Requirements of Certification of Respiratory Protective Devices	0905-AB58
667	Subchapter J - National Vaccine Program, Part 110 Information and Education, Subpart A - Vaccine Information Materials	0905-AC83
668	Interstate Shipment of Biological Material that Contains or May Contain Etiologic Agents	0905-AC89

Public Health Service—Centers for Disease Control (CDC)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
669	Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities	0905-AC84

Public Health Service—Food and Drug Administration (FDA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
670	Drug Exports	0905-AC44
671	Computer Products; Policy Guidance	0905-AC72

Public Health Service—Food and Drug Administration (FDA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
672	Over-the-Counter (OTC) Drug Review	0905-AA06
673	Current Good Manufacturing Practice for Finished Pharmaceuticals; Retrospective Review	0905-AA73
674	Current Good Manufacturing Practice (CGMP) for Blood and Blood Components; Retrospective Review	0905-AA75
675	New Animal Drug Approval Process	0905-AA96
676	Requirements for Adverse Experience Reporting for Licensed Biological Products	0905-AB53
677	Proposed Rule to Implement the Orphan Drug Amendments to the Federal Food, Drug, and Cosmetic Act	0905-AB55
678	Implementation of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984" (Title I)	0905-AB63
679	Infant Formula Act	0905-AC46
680	Action Levels for Added Poisonous or Deleterious Substances in Food (Including Animal Feed)	0905-AC73
681	Look-back Requirements for Blood Recipients Who are at Increased Risk of HIV Infection	0905-AC90
682	Lead from Ceramic Pitchers	0905-AC91
683	Proficiency Testing Requirements for Laboratories Testing Blood and Blood Components by the FDA-Required Tests for HBsAg and Anti-HIV	0905-AC92
684	Methadone in Maintenance Treatment of Narcotic Addicts; Joint FDA and NIDA Proposed Revision of Conditions of Use	0905-AC93

HHS

Public Health Service—Food and Drug Administration (FDA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
685	Policies Concerning Uses of Sulfiting Agents	0905-AB52
686	Provisionally Listed Color Additives	0905-AB60
687	Food Labeling Information Regarding Good Nutrition and Health	0905-AB67
688	Food Labeling: Definitions of Cholesterol Free, Low Cholesterol, and Reduced Cholesterol	0905-AB68
689	Methylene Chloride	0905-AC00
690	Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages Other than Diluted Orange Juice Beverages	0905-AC48
691	Protection of Human Subjects; Informed Consent; Standards for Institutional Review Boards for Clinical Investigations	0905-AC52
692	Menstrual Tampons; Proposed User Labeling	0905-AC54
693	Prescription Drug Marketing Act of 1987; Implementation	0905-AC81
694	Expediting Approval for Drugs Intended to Treat Life-Threatening and Severely-Debilitating Illnesses	0905-AC94

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
695	Availability of Bulk New Animal Drug Substances for Use By Licensed Veterinarians	0905-AB01
696	Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AB72
697	Tamper-Resistant Packaging Requirements for Over-the-Counter (OTC) Drugs	0905-AC70

Public Health Service—Health Resources and Services Administration (HRSA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
698	Nursing Post-Baccalaureate Faculty Fellowships Program	0905-AC34
699	Area Health Education Center (AHEC) Program	0905-AC67
700	Designation of Mental Health Manpower Shortage Areas	0905-AC68
701	Health Education Assistance Loan (HEAL) Program: Bankruptcy Revisions	0905-AC75
702	Nursing Student Loan (NSL) Program: Cash Management	0905-AC76
703	Health Professions Student Loan (HPSL) Program: Cash Management	0905-AC78
704	Grants for Community Health Centers	0905-AC85
705	Grants for Migrant Health Services	0905-AC86
706	Health Education Assistance Loan (HEAL) Program: Performance Standards	0905-AC87
707	National Data Bank for Adverse Information on Health Care Practitioners and Providers (section 5 amendments)	0905-AC88

Public Health Service—Health Resources and Services Administration (HRSA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
708	Health Education Assistance Loan (HEAL) Program: Implementation of Pub. L. 99-129 (Allied Health)	0905-AC28
709	Grants for Nurse Practitioner and Nurse Midwifery Traineeship Programs	0905-AC30
710	National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners	0905-AC51
711	National Health Service Corps, State Loan Repayment And Special Repayment Programs	0905-AC65
712	Grants for Faculty Training Projects in Geriatric Medicine and Dentistry	0905-AC71
713	Grants for Centers for Excellence	0905-AC77

HHS

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
714	Grants for Residency Training and Faculty Development in General Internal Medicine and/or General Pediatrics	0905-AB50
715	Nursing Student Loan (NSL) Program: Implementation of the Law (Pub. L. 99-92)	0905-AC31
716	Health Professions Student Loan (HPSL) Program: Implementation of the Law (Pub. L. 99-129)	0905-AC32
717	Grants for Health Professions Projects in Geriatrics	0905-AC33
718	Grants for Community Health Services: Criteria and Procedure for Determining Medically Underserved Populations (MUP)	0905-AC35
719	Health Manpower Shortage Area Designation Criteria For Correctional Facilities	0905-AC50
720	Health Education Assistance Loan (Heal): Litigation	0905-AC69

Public Health Service—Indian Health Service (IHS)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
721	Indian Health Service Loan Repayment Program Regulations	0905-AC96
722	Indian Health Catastrophic Health Emergency Fund Program	0905-AC97
723	Revision of Indian Self-Determination Regulations	0905-AC98

Public Health Service—National Institutes of Health (NIH)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
724	Changes in NIH Program Regulations due to P.L. 99-158,P.L. 99-499 and Title X of P.L. 99-660	0905-AC02
725	National Institutes of Health Center Grants 42 CFR Part 52a	0905-AC27
726	Volunteer Services at the National Institutes of Health	0905-AC95

Public Health Service—National Institutes of Health (NIH)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
727	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66
728	Misconduct in Science	0905-AB91

Health Care Financing Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
729	Administrative Appeals Process for Provider Payment Disputes Including Amending Cost Reports & Reopening Intermediary Payment Determinations & Administrative Review Decisions	0938-AA33
730	Medicaid Eligibility and Coverage Requirements	0938-AA58
731	Deduction of Incurred Medical Expenses (Spenddown)	0938-AB07
732	Payment for Clinical Diagnostic Laboratory Services	0938-AB50
733	Payment for the Services of Physicians Furnished in Teaching Settings and Other Providers	0938-AB61
734	Hospice/Case Management	0938-AC52
735	Revised Effective Date of Medicare/Medicaid Provider Agreement and Supplier Participation	0938-AC88
736	PRO Review of Surgical Procedures and Requirements for Second Opinions	0938-AC90
737	Payment for the Cost of Malpractice Insurance for Hospitals Excluded from the Prospective Payment System	0938-AC97
738	Changes Concerning the Definition of Accrual Basis of Accounting	0938-AD01
739	Optional Payment System for Low Medicare Volume Skilled Nursing Facilities	0938-AD02

HHS

Health Care Financing Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
740	Recognition of Joint Commission on Accreditation of Healthcare Organizations' Home Care Program Standards and the National League for Nursing's Standards for Home Health Agencies	0938-AD13
741	Medicaid: Eligibility Groups, Extended Coverage of Services, and Conditions of Eligibility: OBRA '87, COBRA, and TEFRA	0938-AD16
742	Medicaid Eligibility of Poverty Level Groups and Extended Coverage of Services	0938-AD17
743	Transfer of Assets	0938-AD18
744	Discontinuation of Prevailing Charge Differentials for Specialists	0938-AD26
745	Medicare Coverage of Outpatient Occupational Therapy Services, Vision Care and Services Furnished by Physician Assistants	0938-AD32
746	State Share of Financial Participation	0938-AD36
747	PRO Disclosure to Licensing and Certification Bodies	0938-AD42
748	Revision of the Medicare Economic Index	0938-AD43
749	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning On or After October 1, 1989	0938-AD48
750	Application of the Comparable Services Limitation in Determining Reasonable Charges	0938-AD50
751	Home and Community-Based Services for the Elderly	0938-AD55
752	Revisions to the Freedom of Information Regulations	0938-AD60
753	Charges to Residents' Funds in Nursing Homes	0938-AD66
754	Pre-admission Review and Authorization Outpatient Surgery, Pre-admission Diagnostic Testing and Same Day Surgery Under Medicaid	0938-AD70
755	Changes to the Reasonable Cost Regulation Concerning Investment Income	0938-AD72
756	Medicare Secondary Payer for Disabled Active Individuals	0938-AD73
757	Clarification of Durable Medical Equipment Coverage under Medicare	0938-AD77
758	Medicare Coverage of Home Health Services, Medicare Conditions of Participation and Home Aide Supervision and Discharge Planning	0938-AD78
759	Prepaid Health Care Plans: Beneficiary and Other Related Provisions	0938-AD79
760	Prohibition of FFP for Educational and Vocational Training for Institutionalized Individuals	0938-AD80
761	OBRA '87 Long Term Care Facilities Conditions of Participation	0938-AD81
762	Medigap Policy Standards - Direct Transmittal of Claims from Medicare Carriers to Medigap Insurers and Related User Fees	0938-AD82
763	Coverage of Psychologists' Services Furnished at Rural Health Clinics	0938-AD84
764	Medicare Coverage of Screening Mammography	0938-AD88
765	Coverage of Home Intravenous Drug Therapy Services	0938-AD89
766	In-Home Care for Chronically Dependent Individuals	0938-AD90
767	Coverage of Outpatient Prescription Drugs	0938-AD91
768	SNF/NF Enforcement of Provisions: Medicare and Medicaid	0938-AD94
769	Recovery of Overpayments Resulting from Computational Errors	0938-AD95
770	Grace Period and Termination for Non-Payment of Supplementary Medical Insurance (Part B) Premiums for Insured Persons	0938-AD97
771	Drug Payment Methodology	0938-AD99
772	Home IV Drug Therapy Fee Schedule	0938-AE00
773	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1990 Rates	0938-AE02
774	Withdrawal of Coverage of Seat Lift Chairs	0938-AE05
775	Diagnosis Codes on Physician Bills	0938-AE06
776	Participations Agreements for Pharmacies	0938-AE08
777	Home IV Drug Provider Conditions of Participation	0938-AE09
778	Covered IV Drug List	0938-AE10
779	Withdrawal of Coverage of Extracranial-Intracranial Arterial Bypass Surgery for the Treatment or Prevention of Stroke	0938-AE11
780	Protection of Income and Resources for Community Spouse	0938-AE12
781	Limitation on Out-of-Pocket Cost-Sharing Expenses for Covered Medicare Part B Services	0938-AE13
782	Criteria and Standards for Evaluating Intermediaries and Carriers	0938-AE15
783	MMIS System Performance Review Revisions	0938-AE16
784	Inspection of Care Reviews	0938-AE17
785	HMO Fiscal Soundness and Group Specific Rating	0938-AE24
786	HMO Organizational Structure and Services	0938-AE25
787	Conforming Provisions-HMO Amendments of 1988	0938-AE26
788	General Performance Standards for Drug Bill Processors Under Contract	0938-AE27
789	Clinical Laboratories - CLIA '88 Requirements	0938-AE28

HHS

Health Care Financing Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
790	MMIS: Definition of "Mechanized Claims Processing and Information Retrieval System"	0938-AA63
791	Waiver of Certain Membership Requirements for Certain Health Maintenance Organizations (HMOs) and State Option for Disenrollment Restrictions for Certain HMOs Under Medicaid	0938-AB54
792	Medicare: Health Maintenance Organizations and Competitive Medical Plans: Coordinated Open Enrollment	0938-AB57
793	Medicare/Medicaid Revaluation of Assets	0938-AB64
794	Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
795	Revision of Medicaid Eligibility Quality Control (MEQC) Program Requirements	0938-AB85
796	Review of Current Rules Affecting Clinical Laboratories	0938-AB96
797	Medicare Secondary Payor and Medicare Recovery Against Third Parties	0938-AC05
798	Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting and Certain X-Ray Services	0938-AC07
799	Changes in Payment Policy for Direct Graduate Medical Education Costs	0938-AC27
800	Medicaid: Eligibility Determinations Based on Disability	0938-AC31
801	Effect of Appeals on Hospital-Specific Portion of the Prospective Payment Rate	0938-AC40
802	Additions to and Deletions From Current List of Covered Surgical Procedures for Ambulatory Surgical Centers	0938-AC45
803	Home and Community-Based Services and Respiratory Care for Ventilator-Dependent Individuals	0938-AC55
804	Reimbursement for Physician's Outpatient Maintenance Dialysis Services	0938-AC57
805	Participation in CHAMPUS and CHAMPVA, Hospital Admissions for Veterans, Discharge Rights Notice, and Hospital Responsibility for Emergency Care	0938-AC58
806	State Plan Requirements and Other Provisions Relating to State Third-Party Liability Programs	0938-AC64
807	Medicaid Eligibility for Qualified Severely Impaired Individuals	0938-AC82
808	Denial of Payment for Substandard Quality Care, Review of Beneficiary Complaints	0938-AC84
809	Changes Concerning Suspension of Medicare Payments, Interest Rates Charged on Overpayments and Underpayments, and Determinations of Allowable Interest Expense	0938-AC99
810	Criteria and Procedures for Making Medical Services Coverage Decisions That Relate to Health Care Technology	0938-AD07
811	Medicare Coverage of Prescription Drugs Used in Immunosuppressive Therapy	0938-AD09
812	Revisions to Conditions of Participation for Hospitals and Conditions for Coverage of Services of Independent Laboratories and Suppliers of ESRD Services	0938-AD11
813	Explanation of Rights and Other HMO/CMP Provisions	0938-AD14
814	Eligibility of Aliens for Medicaid	0938-AD15
815	Payment for Services of Certified Registered Nurse Anesthetists	0938-AD25
816	Withdrawal of Coverage of Single Photon Absorptiometry and Radiographic Absorptiometry	0938-AD28
817	Modification of Certain Requirements for Health Insuring Organizations	0938-AD31
818	Prohibition on Unbundling of Hospital Outpatient Services	0938-AD33
819	Physician Liability on Non-Assigned Claims	0938-AD34
820	Changes to Peer Review Organization Regulations	0938-AD38
821	Update of Ambulatory Surgical Center Payment Rates for July 1, 1988	0938-AD44
822	Home Health Agencies: Conditions of Participation and Reduction in Recordkeeping Requirements	0938-AD45
823	Changes to the Inpatient Hospital Prospective Payment System and Fiscal Year 1989 Rates	0938-AD49
824	Protocol for the Reuse of Dialysis Bloodlines	0938-AD52
825	Uniform Relative Value Guide for Anesthesia Services Furnished by Physicians	0938-AD63
826	Payment for Durable Medical Equipment and Orthotic and Prosthetic Devices	0938-AD65
827	Periodic Payments for Hospitals and Other Providers	0938-AD71
828	Inherent Reasonableness for Home Dialysis Supplies and Equipment	0938-AD74
829	Payment for Outpatient Surgery at Eye Specialty Hospitals and Eye and Ear Specialty Hospitals	0938-AD76
830	Swing-Bed Program Changes	0938-AD83
831	Fee Schedule for Certified Nurse-Midwife Services	0938-AD85
832	Second Surgical Opinion Requirements for Medicaid Recipients	0938-AD86
833	Conforming Amendments Resulting from the Omnibus Budget Reconciliation Act of 1987	0938-AD92
834	Catastrophic Coverage Conforming Amendments	0938-AD93
835	Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1989	0938-AE03
836	Schedule of Limits for Skilled Nursing Facility Inpatient Routine Service Costs for Reporting Periods Beginning on or After October 1, 1989	0938-AE04
837	Physician Involvement in Physical Therapy and Speech Pathology Services	0938-AE07
838	Functions of Contractors in the Administration of the Medicare Outpatient Prescription Drug Benefit Beginning January 1, 1991	0938-AE14
839	Part B Catastrophic Limit	0938-AE18
840	Inpatient Hospital Deductible for 1990	0938-AE19
841	Part A Premium for the Uninsured Aged for 1990	0938-AE20
842	Monthly Actuarial Rates and Part B Premium Rates Beginning 1/1/90	0938-AE21
843	SNF Coinsurance Amounts for 1990	0938-AE22
844	Update of Ambulatory Surgical Center Payment Rates for July 1, 1989	0938-AE29

HHS

Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
845	Miscellaneous Medicare and Medicaid Amendments	0938-AB05
846	Indirect Part B Payment Procedure	0938-AB59
847	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment and Entitlement	0938-AB60
848	Employers Contribution to Health Maintenance Organizations Option	0938-AC48
849	Use of the HCFA Hospital Wage Index for Determining Payment to Hospices	0938-AC49
850	Billing and Verification Add-On Relating to Home Health Agencies Cost Per Visit Limits	0938-AC56
851	Payment for Kidneys Sent to Foreign Countries or Transplanted in Patients Other than Medicare Beneficiaries	0938-AC59
852	Medicare Beneficiary Appeals	0938-AC81
853	Refunding of Federal Share of Overpayments Made to Medicaid Providers	0938-AC83
854	Recognition of College of American Pathologists Laboratory Accreditation Program	0938-AC89
855	Requirements for Long Term Care Facilities	0938-AD12
856	Medicare, Medicaid, and Clinical Laboratories Improvement Act (CLIA) Patient Confidentiality Rules	0938-AD40
857	Schedules of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning On or After July 1, 1988	0938-AD47
858	Fee Schedules for Radiologist Services	0938-AD62
859	Establishment of Medicare Economic Index for 1989	0938-AD64
860	Criteria for Standard and Extended Home Health Agency Surveys	0938-AD67
861	Inpatient Hospital Deductible for 1989	0938-AD68
862	Hospice Cap	0938-AD75
863	Carrier Bonuses for Increasing Physicians' Participation or Payments	0938-AD96
864	National Average Actuarial Value of Duplicative Part A and Part B Medicare Benefits	0938-AD98

Family Support Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
865	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0970-AA07
866	Standards for Child Support Enforcement Program Operations	0970-AA16
867	Child Support Enforcement Audit Regulations	0970-AA17
868	Distribution of Child Support Collections	0970-AA18
869	Alien Verification Procedures for AFDC, State Administered Adult Assistance and Medicaid Programs; Notice of Proposed Rulemaking	0970-AA41
870	Exclusion of Indian Trust Funds and Alaska Native Claims Settlement Act Distributions	0970-AA47
871	Cooperation to Pursue Third Party Health Coverage	0970-AA49
872	Omnibus Budget Reconciliation Act of 1987	0970-AA56
873	Services to Post-AFDC and Medicaid only families	0970-AA61
874	Immediate wage withholding, review and modification of orders, mandatory automated systems and monthly notice of support collections	0970-AA63
875	$50 Disregard, Paternity Establishment and Mandatory Guidelines	0970-AA64
876	Child Support Program; State Plan Requirements	0970-AA66
877	Jobs Participant Employment Protection	0970-AA67
878	Job Opportunity and Basic Skills (JOBS) Training Program	0970-AA68
879	Related AFDC Amendments under the Family Support Act of 1988 -- Responsibilities of the State	0970-AA69
880	Disregard of Bona fide Loans, Student Assistance under the Higher Education Technical Amendments Act of 1987, and Compensation under the Civil Liberties Act of 1988	0970-AA70

Family Support Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
881	Scope of Payments	0970-AA00
882	Retroactive Modification of Child Support Arrearages	0970-AA03
883	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0970-AA04
884	Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0970-AA06
885	Consistency for the Food Stamp Program, AFDC Program, and the Adult Assistance Programs	0970-AA08

HHS

Family Support Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
886	Aid to Families with Dependent Children Program; General Administration -- Public Assistance Program -- Quality Control System	0970-AA11
887	Cooperative Agreements	0970-AA50
888	Targeting of, and Tolerances for, Income and Eligibility Verification System Data	0970-AA58
889	Automated Data Processing Equipment and Services; Conditions for Federal Financial Participation II	0970-AA59

Family Support Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
890	Aid to Families with Dependent Children Program; Administrative Improvement in the AFDC Program	0970-AA09
891	Refugee Resettlement Program; Refugee Cash and Assistance; Requirements for Job Search, Employment Services, and Employment; Refugee Medical Assistance; and Refugee Social Services	0970-AA10
892	Essential Persons	0970-AA44
893	Federal Tax Refund Offset Process - Pre-Offset Notice Fee	0970-AA52
894	Emergency Community Services Homeless Grant Program; Interim Final Rule with Request for Comments	0970-AA57

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Office of the Secretary (OS)

564. ● REVISIONS TO "QUALITY OF CARE" EXCLUSION AND PAYMENT DENIAL REGULATIONS

Legal Authority: 42 USC 1320a-7(b)(6)(B); 42 USC 1320c-3(a)(2); 42 USC 1320c-5

CFR Citation: 42 CFR 1001; 42 CFR 1004; 42 CFR 466

Legal Deadline: None

Abstract: This rulemaking would revise and consolidate, where feasible, the principal regulations pertaining to "quality of care" exclusions from Medicare and other health care programs. Such exclusions may be based on the furnishing of excessive services, the failure to furnish care that meets professionally recognized standards of medical care, or the failure to properly document medical services. This rulemaking would attempt to make the various OIG regulations relating to such quality of care exclusions consistent with each other, consistent with HCFA's PRO payment denial regulations at 42 FR 466, and consistent with the case law that has been decided in the U.S. Courts of Appeals in recent years.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of the Secretary (OS)

565. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Legal Deadline: None

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for State and local units of government, educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Additional Information: OMB is considering revisions to Circular A-21 and A-122 as a result of the Defense Procurement Improvement Act of 1985 (P.L. 99-145) and the Civilian Employee and Contractor Travel Expenses Act of 1985 (P.L. 99-234) as well as a complete rewrite of A-87. This action should conform to those revisions also.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Office of Grant & Contract Financial Mgmt., Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, 202 245-0481

RIN: 0991–AA12

566. CIVIL MONEY PENALTIES AND SANCTIONS FOR HMOS AND COMPETITIVE MEDICAL PLANS

Legal Authority: PL 99-501, Sec 9312; PL 99-501, Sec 9434; PL 100-203, Sec 4014; PL 100-360, Sec 224; PL 100-360, Sec 411

CFR Citation: 42 CFR 1003; 42 CFR 417

Legal Deadline: None

Abstract: This proposed rule would provide for CMPs for each violation against any risk-sharing organization that: (1) fails substantially to provide medically necessary items and services that are required under the contract; (2) imposes premiums on enrolled individuals in excess of premiums permitted; (3) acts to expel or refuse, or to re-enroll an individual; (4) misrepresents or falsifies information; (5) engages in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment; or, (6) fails to provide for prompt payment of claims for services provided to enrollees. In addition, this rule would authorize the Medicare program to suspend enrollment of individuals in, and payment to a risk-sharing organization that (1) denies medically necessary care to a beneficiary or (2) commits marketing abuses or other violations specified in section 1876(i)(6) of the Social Security Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This joint OIG/HCFA proposed rule is being revised as a result of broadened CMP and sanction authorities contained in PL 100-203, in addition to a technical amendment contained in PL 100-360.

Agency Contact: Heather Mullen, Program Analyst, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA44

567. PROHIBITION ON USE OF PHYSICIAN INCENTIVE PLANS

Legal Authority: PL 99-501, Sec 9313

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would prohibit a hospital from knowingly making incentive payments to a physician as an inducement to that physician to reduce or limit services provided to program beneficiaries who are under the direct care of that physician.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The effective date for implementing regulations addressing physician incentive plans by risk-sharing HMOs and competitive medical plans has been delayed to 4/1/90 by P.L. 100-203, Sec 4016. This provision will be addressed through separate rulemaking at a later date.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA45

568. NEW CIVIL MONEY PENALTIES AND EXCLUSIONS AUTHORITIES RESULTING FROM OBRA 1986 AND OBRA 1987

Legal Authority: PL 99-501, Sec 9320; PL 99-501, Sec 9331; PL 99-501, Sec 9332; PL 99-501, Sec 9334; PL 99-501, Sec 9338; PL 100-203, Sec 4022; PL 100-203, Sec 4023; PL 100-203, Sec 4039; PL 100-203, Sec 4045; PL 100-203, Sec 4049; PL 100-203, Sec 4051; PL 100-203, Sec 4062; PL 100-203, Sec 4064; PL 100-203, Sec 4065; PL 100-203, Sec 4118; ...

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule provides for civil money penalties and exclusions for various program violations resulting from OBRA 1986 and OBRA 1987, as amended by the Medicare Catastrophic Coverage Act of 1988. Penalties and sanctions may be imposed against among other things: (1) those who bill Medicare beneficiaries on a non-assigned basis for services of a certified nurse anesthetist or a physician assistant: (2) non participating physicians billing for actual charges above permitted charges (3) nursing homes: (4) home health care providers: (5) unassigned lab services: (6) DME rental providers: and (7) providers of laboratory tests.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
NPRM Comment Period End	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: This proposed rule is being revised as a result of broadened CMP and sanction authorities contained in P.L. 100-203. In addition, various technical amendments to the OBRA 87 provisions contained in P.L. 100-360, the Medicare Catastrophic Coverage Act of 1988, will be incorporated into this proposed rulemaking.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA46

569. AMENDMENTS TO OIG EXCLUSION AND CMP AUTHORITIES RESULTING FROM PL 100-93

Significance: Agency Priority

Legal Authority: PL 100-93; PL 100-360, Sec 411

CFR Citation: 42 CFR 1001; 42 CFR 1002; 42 CFR 1003; 42 CFR 1004

Legal Deadline: None

Abstract: These regulations are designed to protect program beneficiaries from unfit health care practitioners, and otherwise to improve the anti-fraud provisions relating to Titles 5, 18, 19, and 20.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: This proposed rule incorporates two previous items of proposed rulemaking (0991-AA21 and 0991-AA39) as a result of the passage of PL 100-93. Technical amendments contained in PL 100-360, the Medicare Catastrophic Coverage Act of 1988 are also being incorporated into these proposed regulations.

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA47

570. PRO RURAL PRACTITIONERS AMENDMENTS

Legal Authority: PL 100-203, Sec 4095

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This proposed rule would permit a hearing before an Administrative Law Judge of a provider in a rural health manpower shortage area, or in a county with a population of less than 70,000 before a program exclusion of that provider took place.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington DC 20201, 202 472-5270

RIN: 0991–AA51

571. CIVIL MONEY PENALTIES AND SANCTION AUTHORITIES RELATING TO THE MEDICARE CATASTROPHIC COVERAGE PROVISIONS

Legal Authority: PL 100-360, Sec 202; PL 100-360, Sec 203; PL 100-360, Sec 221

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish various new sanction and civil money penalties resulting from the Medicare Catastrophic Coverage Act of 1988. Among other provisions, these regulations would address CMPs for (1) failure to provide required survey data relating to covered outpatient drugs; (2) a physician's failure to provide appropriate diagnostic codes and information; and (3) the submission of improper claims for home IV drug therapy services.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA52

572. CIVIL MONEY PENALTIES FOR VIOLATIONS RELATING TO MEDICAL SUPPLEMENTAL POLICIES

Legal Authority: PL 100-360, Sec 428(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish CMPs in all cases where only criminal penalties previously applied for deceptive selling practices relating to Medicare Supplemental health insurance - or Medigap - policies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	09/00/89	
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA53

573. CIVIL MONEY PENALTIES FOR MISUSE OF DEPARTMENTAL SYMBOLS OR EMBLEMS

Significance: Agency Priority

Legal Authority: PL 100-360, Sec 428(a)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This proposed rule would establish civil money penalties for the unauthorized use, in advertising or solicitation, of certain words letters, symbols or emblems associated with the Department or its programs in a manner that would convey an impression that an item or service was approved, endorsed or authorized by HHS.

HHS—OS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA54

574. ● BLOCK GRANT PROGRAMS

Legal Authority: PL 100-485; PL 100-607; PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Recent legislation modified technical, administrative and reporting requirement for several of the Department's block grant. This notice would propose regulatory changes to reflect these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	
NPRM Comment Period End	10/31/89	
Final Action	02/01/90	
Final Action Effective	03/01/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert C. Raymond, Director, Research Evaluation & Special, Analyses, Department of Health and Human Services, Office of the Secretary, 200 Independence Avenue, S.W., Washington, DC 20201, 202 245-7316

RIN: 0991–AA55

575. ● CONTRACT AUDIT POLICY

Legal Authority: PL 94-505

CFR Citation: 45 CFR 66 (New)

Legal Deadline: None

Abstract: This proposed rule would require that audit services performed under contract by non-Federal auditors for DHHS be in compliance with the government auditing standards issued by the Comptroller General. The purpose of this rulemaking is to fulfill the responsibility of the OIG to ensure that all audits of programs and operations of the Department meet the government auditing standards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA59

576. ● REVISIONS TO THE PRO SANCTIONS NOTIFICATION PROCESS

Legal Authority: 42 USC 1320c-5(b)(2)

CFR Citation: 42 CFR 1004

Legal Deadline: None

Abstract: This rule would provide for an alternative to the method of public notice currently used by the OIG in informing the general public of its decision to sanction a practitioner or other person under section 1156 of the Social Security Act as a result of a PRO recommendation. The rule would allow each sanctioned physician or other provider an opportunity to elect to inform each of his or her patients of the sanction action rather than having the OIG provide notice to the general public by publishing a notice in a newspaper.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA60

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage

Office of the Secretary (OS)

577. NONDISCRIMINATION REQUIREMENTS (INCLUDING ON THE BASIS OF SEX OR RELIGION) APPLICABLE TO BLOCK GRANTS AND STANDARD NONDISCRIMINATION PROCEDURES APPLICABLE TO CERTAIN OTHER PROGRAMS

Legal Authority: 42 USC 9906; 42 USC 300x-7; 42 USC 708; 42 USC 8625; 42 USC 9821; 42 USC 9849; 42 USC 1397; 42 USC 300w-7

CFR Citation: 45 CFR 92

Legal Deadline: None

Abstract: To implement the nondiscrimination requirements applicable to block grants authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2806
NPRM Comment Period End	03/24/86	51 FR 2806
Interim Final Rule	07/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Director, Policy and Special Projects Staff, Department of Health and Human Services, Office of the Secretary, Policy and Special Staff, OCR, Room 5032, HHS Cohen Bldg, 330 Independence Ave, SW, Washington, D.C. 20201, 202 245-6671

RIN: 0991–AA02

578. EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Legal Authority: 47 USC 398

CFR Citation: 45 CFR 87.1-40

Legal Deadline: None

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-567, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entities receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	44 FR 14582
NPRM	12/21/79	44 FR 75676
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Public Compliance Cost: Yearly Recurring Cost: $6,000

Agency Contact: Frank E. G. Weil, Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5411, Washington, DC 20201, 202 245-6700

RIN: 0991–AA22

579. AUDITS OF NON-GOVERNMENTAL GRANTEES

Significance: Agency Priority

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74.62(b), (Revised)

Legal Deadline: None

Abstract: This action will implement OMB Circular A-133 which is expected to be issued sometime this year. The Circular will provide governmentwide standards for non-Federal audits of college and university and other non-profit recipients of Federal grants and contracts. The Circular and these amendments will replace the audit requirements currently contained in OMB Circular A-110.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, State

Additional Information: It is expected that OMB which published a draft of its Circular in the Federal Register and obtained public comments will soon issue this Circular. The specific form and nature of our action is dependent upon actions to be taken by OMB. It is possible that A-133 may be implemented as part of the current revision of the A-102/A-110 Common Rule-45 CFR Part 92. If so there may be no need for this action.

Agency Contact: Edward M. Tracy, Director, Division of Cost Determination Management, Department of Health and Human Services, Office of the Secretary, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave., SW, Washington, DC 20201, 202 245-0481

RIN: 0991–AA29

580. CIVIL MONEY PENALTIES AND EXCLUSIONS FOR ASSISTANTS AT CATARACT SURGERY

Legal Authority: PL 99-272, Sec 9307; PL 99-514, Sec 1895(b)(16)

CFR Citation: 42 CFR 1001; 42 CFR 1003

Legal Deadline: None

Abstract: These final regulations provide for the imposition of civil money penalties and exclusions against physicians billing the Medicare program or program beneficiaries for services of an assistant at surgery for cataract operations where prior approval has not been granted. This rule specifically responds to various comments raised as a result of the interim final, and makes a number of technical corrections to those final regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/10/87	52 FR 11649
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA37

581. CIVIL MONEY PENALTIES FOR FAILURE TO REPORT MEDICAL MALPRACTICE PAYMENTS AND FOR BREACHING THE CONFIDENTIALITY OF INFORMATION

Legal Authority: PL 99-660, Sec 421(c) and 427(b)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This final rule establishes civil money penalties against any individual or entity that fails to report information on medical malpractice payments in accordance with the Health Care Quality Improvement Act of 1986, and against any individual who breaches the confidentiality of information reported to the data bank established to collect and disseminate required information in accordance with that Act.

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of

HHS—OS

Final Rule Stage

the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA40

582. OIG ANTI-KICKBACK PROVISIONS

Legal Authority: PL 100-93, Sec 4; PL 100-93, Sec 14

CFR Citation: 42 CFR 1001

Legal Deadline: Final, Statutory, August 18, 1989.

Abstract: This final rule will specify payment practices which, although potentially capable of inducing referrals of business under Medicare, are not to be considered kickbacks for purposes of criminal or civil remedies.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38794
ANPRM Comment Period End	12/18/87	
NPRM	01/23/89	54 FR 3088
NPRM Comment Period End	03/24/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Joel Schaer, Regulations Officer, Office of Inspector General, AO, Department of Health and Human Services, Office of the Secretary, 330 Independence Avenue, SW, Washington, D.C. 20201, 202 472-5270

RIN: 0991–AA49

583. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 92

Legal Deadline: None

Abstract: Fiscal and Administrative requirements governing grants and cooperative agreements to non-governmental recipients are presently codified in an HHS-specific regulation (45 CFR Part 74). This rule would move those requirements (with many changes and additions) to a new rule (45 CFR Part 92) that would be virtually identical to the rules of 26 other federal agencies. The same action would also create a mechanism for applying a new set of liberalized rules to research grants. Since all Federal agencies' grants and cooperative agreements would henceforth be subject to identical rules, there should be administrative benefits for multi-award recipients and better understanding of the terms and conditions of awards.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 23729
ANPRM Comment Period End	08/23/87	
NPRM	11/04/88	53 FR 44715
NPRM Comment Period End	01/03/89	
Final Action	05/30/89	
Final Action Effective	10/01/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Beverly Cordova, Director, Division of Grants Management, and Oversight, Department of Health and Human Services, Office of the Secretary, Rm 513D, HHH Bldg., 200 Independence Avenue, S.W., Washington, DC 20201, 202 245-0377

RIN: 0991–AA56

584. ● STANDARDIZATION AND UNIFORM APPLICATION OF CMP PROCEDURES

Legal Authority: 42 USC 1302; 42 USC 1320a-7a; 42 USC 1395u(j)

CFR Citation: 42 CFR 1003

Legal Deadline: None

Abstract: This rulemaking standardizes the procedures for imposing civil money penalties and related sanctions authorized by statutes incorporating provisions of section 1128A of the Social Security Act.

Timetable:

Action	Date	FR Cite
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 2020l, 202 472-5270

RIN: 0991–AA57

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Office of the Secretary (OS)

Completed Actions

585. FREEDOM OF INFORMATION ACT REGULATION

CFR Citation: 45 CFR 5

Completed:

Reason	Date	FR Cite
Final Action Final Rule Published	11/25/88	53 FR 47697
Final Action Effective	12/27/88	53 FR 47697

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Russell M. Roberts 202 472-7453

RIN: 0991–AA07

586. PRIVACY ACT REGULATION

CFR Citation: 45 CFR 5b

Completed:

Reason	Date	FR Cite
Withdrawn	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Russell M. Roberts 202 472-7453

RIN: 0991–AA11

HHS—OS

Completed Actions

587. ● ADMINISTRATIVE ADJUDICATION OF CERTAIN HEALTH CARE EXCLUSION CASES

Legal Authority: 42 USC 1320a-7

CFR Citation: 42 CFR 1001

Legal Deadline: None

Abstract: This final rule will allow the administrative hearings and administrative appeal of certain health care exclusion cases governed by 42 CFR 1001 to be handled by the Departmental Appeals Board of this Department. The purpose of this rule is to conform existing regulations to the delegations of authority made by the Secretary to handle these hearings and appeals.

Timetable:

Action	Date	FR Cite
Final Action	03/09/89	54 FR 9995
Final Action Effective	03/09/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Jay Schaer, Regulations Officer, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, AO, 330 Independence Avenue, S.W., Washington, DC 20201, 202 472-5270

RIN: 0991–AA58

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Departmental Management (HHSDM)

588. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS

Legal Authority: 5 USC 504(c)(1)

CFR Citation: 45 CFR 13

Legal Deadline: None

Abstract: The Equal Access to Justice Act requires agencies to pay attorney fees to parties prevailing against the Government in certain types of administrative proceedings. It requires each agency to issue rules implementing the Act as it applies to these proceedings. As originally enacted, the Act had a sunset clause. A recent statutory amendment eliminated the sunset provision and made other changes in the Act. The instant regulation would amend 45 CFR Part 13 (HHS's regulation implementing the Act) to eliminate the corresponding sunset provision and to make other changes conforming with the statutory changes.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
NPRM	06/19/87	52 FR 23311
NPRM Comment Period End	08/17/87	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, HHS Cohen Building, 330 Independence Avenue, SW, Washington, DC 20201, 202 475-0150

RIN: 0990–AA02

589. TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF DOCUMENTS IN PROCEEDINGS WHERE THE UNITED STATES IS NOT A PARTY

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 45 CFR 2

Legal Deadline: None

Abstract: Part 2 of Title 45, CFR, governs the testifying of HHS employees as part of their official duties in litigation where neither the United States nor other Federal agencies are parties. This rule will amend Part 2 to clarify it and to resolve minor technical problems.

Timetable:

Action	Date	FR Cite
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Darrel J. Grinstead, Associate General Counsel, Business and Administrative Law Division, Department of Health and Human Services, Departmental Management, Room 5362, Wilbur J. Cohen Building, 330 Independence Avenue, SW, Washington, D.C. 20201, 202 475-0150

RIN: 0990–AA03

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Office of Human Development Services (HDSO)

590. FOSTER CARE, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES

Legal Authority: 42 USC 670 et seq.; 42 USC 620 et seq.

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: None

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record

compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Betty Stewart, Associate Commissioner, Children's Bureau, Admin. for Children, Youth, and Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20201, 202 245-0588

RIN: 0980–AA08

591. RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701 Note

CFR Citation: 45 CFR 1351

Legal Deadline: None

Abstract: These rules will make technical changes in 45 CFR 1351 to incorporate changes made by reauthorization of the Runaway and Homeless Youth Act.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Associate Commissioner, Family and Youth Services Bureau, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20013, 202 245-0086

RIN: 0980–AA11

592. HEAD START CRITERIA FOR SELECTION OF NEW GRANTEES

Legal Authority: 42 USC 9801 et seq

CFR Citation: 42 CFR 1302

Legal Deadline: None

Abstract: The NPRM will propose additional new criteria that, if adopted, will be used in the selection of new Head Start grantees.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 245-0531

RIN: 0980–AA17

593. HEAD START APPEALS PROCESS

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1303

Legal Deadline: None

Abstract: The NPRM will propose revisions to current procedures for appeals Head Start grantees and delegate agencies to improve the effectiveness and efficiency of the appeals process and reduce costs.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 245-0531

RIN: 0980–AA20

594. HEAD START RECRUITMENT SELECTION AND ENROLLMENT OF CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1305

Legal Deadline: None

Abstract: In this NPRM, the Head Start Bureau will propose amendments to existing regulations governing recruitment, selection, and enrollment of children.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, D.C. 20013, 202 245-0531

RIN: 0980–AA27

595. HEAD START: LIMITS ON COSTS OF DEVELOPMENT AND ADMINISTRATION

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1301

Legal Deadline: None

Abstract: 45 CFR 1301.32 is being amended to provide additional clarification to Head Start programs in meeting the requirement that the costs of developing and administering a Head Start program not exceed 15 percent of total costs.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20213, 202 245-0531

RIN: 0980–AA32

596. HEAD START PERFORMANCE STANDARDS FOR INFANTS, TODDLERS, AND PREGNANT WOMEN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1307

Legal Deadline: None

Abstract: The NPRM will propose to establish a new Part 1307 setting forth performance standards that must be used in providing Head Start services to infants, toddlers and pregnant women.

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Douglas Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department

of Health and Human Services, Office of Human Development Services, P.O Box 1182, Washington, D.C. 20213, 202 245-0531

RIN: 0980–AA33

597. ADOPTION AND FOSTER CARE INFORMATION

Legal Authority: 42 USC 679

CFR Citation: 45 CFR 1355; 45 CFR 1356; 45 CFR 1357

Legal Deadline: NPRM, Statutory, December 31, 1988.

Abstract: Section 479 of the Social Security Act requires the Secretary to publish regulations to collect data relating to foster care and adoption in the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Joseph Mottola, Deputy Commissioner, Administration for Children, Youth and Families, Department of Health and Human Services, Office of Human Development Services, P.O Box 1182, Washington, DC 20213, 202 245-0370

RIN: 0980–AA35

598. CHILD ABUSE AND NEGLECT: TECHNICAL AMENDMENTS

Legal Authority: 42 USC 5101 et seq

CFR Citation: 45 CFR 1340

Legal Deadline: None

Abstract: Technical and conforming changes will be made in 45 CFR 1340 to implement statutory changes made by the recent reenactment of the Child Abuse Prevention and Treatment Act.

Timetable:

Action	Date	FR Cite
NPRM	03/17/89	54 FR 11246
NPRM Comment Period End	05/16/89	
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Susan Weber, National Center on Child Abuse and Neglect, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, DC 20213, 202 245-2859

RIN: 0980–AA40

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Final Rule Stage

Office of Human Development Services (HDSO)

599. HEAD START STAFF AND PROGRAM OPTIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1304; 45 CFR 1306

Legal Deadline: None

Abstract: The final rule will amend existing regulations related to program design to specify class size, hours of operation, and program options such as center-based and home-based Head Start services. The final rule will also include, in a new Part, the requirements for home-based Head Start services.

Timetable:

Action	Date	FR Cite
NPRM	12/08/88	53 FR 49565
NPRM Comment Period End	02/21/89	
Final Action	12/30/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Doug Klafehn, Head Start Bureau, Admin. for Children, Youth & Families, Department of Health and Human Services, Office of Human Development Services, P. O. Box 1182, Washington, DC 20013, 202 245-0531

RIN: 0980–AA18

600. HEAD START PERFORMANCE STANDARDS FOR SERVICES TO HANDICAPPED CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 9801 et seq

CFR Citation: 45 CFR 1308

Legal Deadline: None

Abstract: The final rule will establish a new part 1308 setting forth proposed performance standards that must be used in providing Head Start services to handicapped children.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41088
NPRM Comment Period End	01/19/89	53 FR 47235
Final Action	12/31/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Jane DeWeerd, Child Development Specialist, Head Start Bureau, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, D.C. 20013, 202 245-0562

RIN: 0980–AA21

601. DEVELOPMENTAL DISABILITIES PROGRAM

Legal Authority: 42 USC 6000 et seq

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Legal Deadline: NPRM, Statutory, April 30, 1988.

Abstract: This final rule will amend current regulations to implement statutory changes made by passage of Public Law 100-146, the Developmental Disabilities Assistance and Bill of Rights Act of 1987. The final rule will establish a peer review process for the University Affiliated Facilities program, and set forth standards to assure that States supplement and do not supplant program resources.

Timetable:

Action	Date	FR Cite
NPRM	12/07/88	53 FR 49332
NPRM Comment Period End	02/06/89	
Final Action	09/30/89	

Small Entities Affected: Organizations

Government Levels Affected: State

HHS—HDSO

Final Rule Stage

Agency Contact: Will Wolstein, Deputy Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, Office of Human Development Services, 200 Independence Ave., S.W., Washington, DC 20201, 202 245-7719

RIN: 0980–AA36

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Completed Actions

602. NONRECURRING COSTS OF ADOPTION

CFR Citation: 45 CFR 1356

Completed:

Reason	Date	FR Cite
Final Action	12/14/88	53 FR 50215
Final Action Effective	12/14/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Beverly Stubbee 202 245-0638

RIN: 0980–AA24

603. NATIVE HAWAIIAN LOAN FUND DEMONSTRATION PROJECT

CFR Citation: 45 CFR 1336

Completed:

Reason	Date	FR Cite
Final Action	01/24/89	54 FR 3452
Final Action Effective	07/25/88	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Jan Phalen 202 245-7730

RIN: 0980–AA37

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Proposed Rule Stage

604. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff Appendix 1

Legal Deadline: None

Abstract: Sections 4.00 and 104.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1599) describe cardiovascular impairments considered severe enough to prevent an individual from doing any gainful or age-appropriate activities. Because of the advances in medical technologies and practice in this area we anticipate the need to revise the criteria in the Listing of Impairments to bring these sections up to date. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AA99

605. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 405

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 3.00 and 103.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful or age-appropriate activities. We are proposing revisions to require consideration of the nature and clinical manifestations of respiratory disorders and the limitations such disorders impose on the individual's ability to function. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance programs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AB00

606. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Legal Authority: 42 USC 1302; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1

Legal Deadline: None

Abstract: Sections 1.00 and 101.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe those musculoskeletal impairments which are considered severe enough to prevent a person from doing any substantial gainful or age-appropriate activities. We are proposing comprehensive revisions to these sections to ensure that the medical

evaluation criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AB01

607. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1320a-6; 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2615; 42 USC 1383b; 42 USC 1327

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123; 20 CFR 416.1402(m); 20 CFR 416.1123a; 20 CFR 404.902

Legal Deadline: None

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permitted some people who were paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) SSI benefits will be reduced where retroactive OASDI benefits have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We will amend our regulations to conform to the statutory changes. The program savings to SSA are estimated as $5 million a year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 965-8471

RIN: 0960–AB38

608. SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416E

Legal Deadline: None

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-369 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. The 10 percent requirement will apply only to recipients in current payment status. The 10 percent limit will not apply in situations involving conditional disposition of resources agreements, misuse of burial funds, recovery by refund, cross program adjustment for individuals not in SSI current pay or where it is determined that the overpayment occurred because of recipient fraud, willful misrepresentation, or concealment. The proposed rules, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after (continued)

Timetable:

Action	Date	FR Cite
NPRM	03/28/89	54 FR 12649
NPRM Comment Period End	05/30/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: factual evaluation. Such cases will also be considered initial determinations for which the recipient has appeal rights. Estimated costs are FY 1986 through FY 1989 - program costs of $18 million per year and administrative costs of $ .5 million per year.

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1795

RIN: 0960–AB40

609. ● DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1360; 26 USC 6103; 30 USC 923; 42 USC 405(a); 42 USC 1302; 42 USC 1306

CFR Citation: 20 CFR 401.315

Legal Deadline: None

Abstract: Under present rules, disclosure to a law enforcement agency is allowed only when a violent crime has been committed and the subject of the information has been either indicted or convicted of that crime, or when relevant to the investigation or prosecution of criminal activity involving a social security program or other governmental health or income maintenance program. SSA is considering an amendment to these regulations that would expand the circumstances in which information, other than tax return information, could be disclosed to law enforcement agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AB66

610. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; EVALUATION GUIDES FOR DETERMINING SUBSTANTIAL GAINFUL ACTIVITY (SGA)

Significance: Agency Priority

Legal Authority: PL 98-460, Sec 10

CFR Citation: 20 CFR 404; 20 CFR 416

Legal Deadline: None

Abstract: These proposed changes will incorporate into regulations of the Social Security Administration a number of policies relating to the evaluation of a person's work activity that are now in Social Security Rulings published in 1983 and 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB73

611. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSIONS FROM INCOME AND RESOURCES OF INDIAN JUDGEMENT FUNDS AND PER CAPITA DISTRIBUTIONS

Legal Authority: PL 97-458; PL 98-64; PL 100-241

CFR Citation: 20 CFR 416K Appendix; 20 CFR 416.1234; 20 CFR 416.1236

Legal Deadline: None

Abstract: The proposed regulation reflects the provisions of the following statutes: (1) Pub. L 97-458 enacted January 12, 1983, which provides that Indian judgement funds held in trust or distributed per capita pursuant to a plan approved by Congress or the Secretary of the Interior are excluded from income and resources under the Supplemental Security Income program (2) Pub. L 98-64 enacted August 2, 1983, which provides for the exclusion of all funds held in trust by the Secretary of the Interior for an Indian tribe and distributed per capita to a member of that tribe and (3) Pub. L 100-241 enacted February 3, 1988, which provides for the exclusion from income and resources of certain items received by an individual Alaska native or descendent of an Alaska native from a native corporation. Some savings in program costs may result from these changes.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irv Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB86

612. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-CHILDHOOD

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Section 112.00 of Appendix 1 to the Old-Age, Survivors, and Disability Insurance Disability Regulations 404.1501 through 404.1599 describe the medical criteria that apply only to the evaluation of mental impairments of persons under age 18. We are proposing comprehensive revisions to that section to ensure that the medical criteria are up to date and consistent with the latest advances in medicine. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB96

613. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EVALUATION CRITERIA FOR IMMUNE SYSTEM DISORDERS, INCLUDING HIV INFECTION (ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)/AIDS-RELATED COMPLEX)

Significance: Regulatory Program

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: Sections 10.00 and 110.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1599) describe immune system disorders which are severe enough to prevent a person from doing any gainful or age-appropriate activities. We are proposing to add the criteria for evaluation of AIDS to these sections. The Supplemental Security Income program incorporates by reference and uses the same medical criteria as the Old-Age, Survivors, and Disability Insurance program. The budgetary impact is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 695-1759**

RIN: 0960–AC06

614. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; NONPAYMENT OF BENEFITS TO PRISONERS, VOCATIONAL REHABILITATION EXCEPTION

Significance: Agency Priority

Legal Authority: 42 USC 402(x)(1); 42 USC 405

CFR Citation: 20 CFR 404D

Legal Deadline: None

Abstract: Existing regulations at 20 CFR 404.468(d) provide a vocational rehabilitation exception to the nonpayment of benefits to prisoners provision described at 20 CFR 404.468(a). Under the exception, the nonpayment provision does not apply if a prisoner who is entitled to benefits on the basis of disability is actively and satisfactorily participating in a rehabilitation program which has been specifically approved for the individual by court of law. In addition, the Secretary must determine that the program is expected to result in the individual being able to do substantial gainful activity upon release and within a reasonable time. No benefits will be paid to the prisoner for any month prior to the approval of the program. The proposed regulations would set out more definitive criteria for applying the exception and would define terms, such as "rehabilitation program", "court of law", and "reasonable time", for purposes of applying the exception.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC16

615. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF BENEFITS AND SPECIAL ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK

Significance: Agency Priority

Legal Authority: PL 99-643, Sec 2; PL 99-643, Sec 4

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.265; 20 CFR 416.268; 20 CFR 416.269; 20 CFR 416.1112; 20 CFR 416.1402; 20 CFR 416.1403

Legal Deadline: None

Abstract: These proposed regulations will implement statutory changes contained in sections 2 and 4 of PL 99-643. These provisions: (1) make section 1619 of the Social Security Act permanent; and (2) simplify the transitions among regular SSI status, special benefit status, and special Medicaid status.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1756**

RIN: 0960–AC22

616. SUPPLEMENTAL SECURITY INCOME PROGRAM; PAYMENT OF BENEFITS DUE DECEASED RECIPIENTS

Legal Authority: 42 USC 1383(b)(1)(A)

CFR Citation: 20 CFR 416.340; 20 CFR 416.345; 20 CFR 416.538; 20 CFR 416.542; 20 CFR 416.543; 20 CFR 416.1457(c)(4)

Legal Deadline: None

Abstract: Section 8 of Pub. L. 99-643 provides that effective for benefits payable for months after May 1986, an underpayment shall be paid to any surviving spouse of a deceased SSI recipient whether or not the spouse was eligible for SSI, if such spouse was living in the same household with the recipient at the time of death, or within the 6 months immediately preceding the month of death, or to the parent(s) of a deceased disabled or blind child who was an SSI recipient if the child was living with the parent(s) at the time of death or within the 6 months immediately preceding the month of death. These proposed regulations would also reflect a policy change that would continue the appeals process (versus automatic dismissal), at the Administrative Law Judge or Appeals Council level, for the survivors' entitlement to an underpayment if they meet certain conditions. The cost estimate for these provisions is estimated to be $2 million per year in program costs and less than $1 million and 30 workyears in administrative expenses.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1795**

RIN: 0960–AC28

617. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM AND ORGANIZATION AND FUNCTIONS; CORRECTION OF EARNINGS RECORDS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404.810; 20 CFR 404.820; 20 CFR 404.820a; 20 CFR 404.831; 20 CFR 422.125

Legal Deadline: None

Abstract: This proposed regulation will establish rules on the evidence an individual must submit with a request to correct the Secretary's record of earnings and state the conditions under which the Secretary will assist the requester in obtaining evidence that establishes such records as incorrect. This proposed regulation will reduce the number of unproductive efforts the agency makes to investigate unsubstantiated assertions that the Secretary's records are incorrect and facilitate the correction process in many cases by relying more upon evidence readily available to the requester.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8471

RIN: 0960–AC30

618. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAST WORK EXPERIENCE AND ADJUSTMENT TO OTHER WORK

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1562; 20 CFR 404.1565; 20 CFR 416.962; 20 CFR 416.965

Legal Deadline: None

Abstract: We are proposing to include in our regulations vocational evaluation standards used in determining disability under titles II and XVI of the Social Security Act (the Act). The guidelines apply to assessing past work as a vocational factor and evaluating medical-vocational circumstances demonstrating an inability to make an adjustment to other work. These standards are presently contained in Social Security Rulings (SSR's) and the Program Operating Manual System (POMS).

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960–AC39

619. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; FEE LIMITATION POLICY FOR PURCHASE OF LABORATORY TESTS

Legal Authority: 42 USC 1302; 42 USC 1383b

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: These proposed regulations will place a limitation on the rates of payment a State may pay for laboratory tests purchased by State agencies. Under these proposed regulations a State agency will be required to limit the amounts it pays for laboratory tests to the maximum payment level contained in the Health Care Financing Administration's (HCFA) National Limitation Amounts for Laboratory Fee Schedules. Currently the only payment requirement is that the rates of payment not exceed the highest rates paid by Federal or other agencies in the State for the same or similar types of services.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960–AC41

620. SUPPLEMENTAL SECURITY INCOME PROGRAM; PROCEEDS OF A LOAN, PAYMENT OF PRO RATA SHARE OF HOUSEHOLD OPERATING EXPENSES

Significance: Agency Priority

Legal Authority: 42 USC 1102

CFR Citation: 20 CFR 416.1103; 20 CFR 416.1133

Legal Deadline: None

Abstract: It is our policy that money borrowed (a loan) is not income for SSI purposes and therefore has no effect on a person's SSI benefits. These proposed regulations will state that only cash transactions may be considered loans. These proposed regulations will also provide that the one-third reduction rule which applies when a person who lives in another's household and receives in-kind support and maintenance will not apply if the SSI recipient pays his or her pro rata share in cash and no later than the month under consideration. No additional costs or savings are anticipated since these proposed regulations will codify existing policy.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960–AC42

621. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM COUNTABLE RESOURCES OF THE VALUE OF PROMISSORY NOTES IN HOME REPLACEMENT SITUATIONS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1212

Legal Deadline: None

Abstract: We propose to amend the regulations under the Supplemental Security Income program to provide that the current market value of an installment sales contract is excluded as part of an excluded home when certain conditions are met. The costs will be insignificant since the policy is currently in use under our operating instructions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AC43

622. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EXTENSION OF SOCIAL SECURITY COVERAGE TO CERTAIN WORKERS; MEDICARE ONLY COVERAGE OF CERTAIN STATE AND LOCAL GOVERNMENT EMPLOYEES

Legal Authority: PL 100-203, Sec 9001; PL 100-203, Sec 9002; PL 100-203, Sec 9003; PL 100-203, Sec 9004; PL 100-203, Sec 9005; PL 100-203, Sec 9022; PL 99-

272, Sec 13205; PL 99-514, Sec 1895; PL 100-647, Sec 8017

CFR Citation: 20 CFR 404.429(c)(3); 20 CFR 404.1015; 20 CFR 404.1018b; 20 CFR 404.1019; 20 CFR 404.1020; 20 CFR 404.1021; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1097

Legal Deadline: None

Abstract: These regulations reflect recently enacted statutory changes that extend social security coverage to work situations not previously covered. These newly covered work situations include: (1) Inactive duty training in the uniformed services; (2) Certain agriculture labor situations; and (3) Work for a spouse or parent. Additionally, the year for reporting corporate directors income has been changed, and Medicare coverage is provided to many previously uncovered State and local government employees. Also, a recently enacted statutory provision (section 8017 of PL 100-647) further revised our coverage provisions relating to agricultural wages.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC45

623. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; APPLICABILITY OF GOVERNMENT PENSION TO CERTAIN FEDERAL EMPLOYEES

Significance: Agency Priority

Legal Authority: 42 USC 402(b),(c),(e),(f),(g); PL 100-203, Sec 9007; PL 100-647, Sec 8014

CFR Citation: 20 CFR 404.408a

Legal Deadline: None

Abstract: We are proposing to revise our rules on reducing the Social Security spouse's benefits of a person who is also receiving a Government pension based on noncovered employment. The Omnibus Budget Reconciliation Act of 1987 (PL 100-203, sec 9007) requires that a Federal Government employee who elects to be covered under Social Security after December 31, 1987 must work for at least 60 months after that date in order to avoid the reduction after he or she becomes entitled to Social Security spouse's benefits.That requirement is extended to the foreign service pension system by the Technical and Miscellaneous Revenue Act of 1988 (PL 100-647), which also provides that under certain circumstances the reduction does not apply to any individual who retires before his or her coverage election becomes effective.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC46

624. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXEMPTION OF CERTAIN ASSISTANCE PAYMENTS FROM RETROSPECTIVE MONTHLY ACCOUNTING

Legal Authority: PL 100-203, Sec 9106

CFR Citation: 20 CFR 416.420

Legal Deadline: None

Abstract: Section 9106 of P.L. 100-203 exempts certain income from retrospective monthly accounting in determining a person's Supplemental Security Income (SSI) benefit amount. Generally, an SSI benefit for a month is computed using income from two months prior. Section 9106, which is reflected in this regulation change, provides for the following types of income to be used only in the month received to compute the benefit amount: (1) Aid to Families with Dependent Children (AFDC); (2) Foster Care (Title IV-E); (3) Refugee Cash Assistance; (4) Cuban and Haitian Entrant Assistance; and (5) Bureau of Indian Affairs general assistance and child welfare assistance. Program costs are expected to be negligible.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC49

625. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN EMERGENCY ADVANCE PAYMENTS

Legal Authority: 42 USC 1383(a); PL 100-203, Sec 9109

CFR Citation: 20 CFR 416.502; 20 CFR 416.520; 20 CFR 416.1403

Legal Deadline: None

Abstract: The proposed rules will reflect section 9109 of Pub. L. 100-203. They raise the amount of the emergency advance payment that can be paid to a person presumptively eligible for SSI payments. Because the emergency advance payment is an advance of benefits and later deducted from the benefits due an individual, no increased costs are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8215
NPRM Comment Period End	04/28/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC50

626. SUPPLEMENTAL SECURITY INCOME PROGRAM; MODIFICATION OF INTERIM ASSISTANCE REIMBURSEMENT PROGRAM

Legal Authority: 42 USC 1302; PL 100-203, Sec 9110

CFR Citation: 20 CFR 416.1901; 20 CFR 416.1902; 20 CFR 416.1906

Legal Deadline: None

Abstract: These proposed rules reflect sec. 9110 of Pub.L. 100-203. They extend Interim Assistance Reimbursement to cases in which assistance is provided by a State while an individual's Supplemental Security Income (SSI) payments are suspended or terminated and then subsequently reinstated. Current regulations provide for reimbursement to a State only for interim assistance payments made while an individual's initial application for SSI is pending. No additional program costs are anticipated since the amount reimbursed to the State is later deducted from the individual's SSI payments.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC51

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627. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM INCOME OF PAYMENTS RECEIVED FOR AND USED TO PAY LAST ILLNESS AND DEATH

Legal Authority: PL 100-203, Sec 9120

CFR Citation: 20 CFR 416.1121; 20 CFR 416.1201

Legal Deadline: None

Abstract: The regulation reflects the provisions of section 9120 of Pub. L. 100-203 by providing that payments to an individual (including gifts and inheritances) occasioned by the death of another person are not considered income for supplemental security income purposes to the extent that such payments are expended by such individual for purposes of the deceased person's last illness and burial. Also, the regulations propose a policy change to not consider the same payments as resources for one month following receipt. Any increased costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC52

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628. SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUATION OF FULL BENEFIT STANDARD FOR PERSONS TEMPORARILY INSTITUTIONALIZED

Significance: Agency Priority

Legal Authority: PL 100-203, Sec 9115; PL 99-643, Sec 3

CFR Citation: 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.1149; 20 CFR 416.1167; 20 CFR 416.1325; 20 CFR 416.2040; 20 CFR 410; 20 CFR 412; 20 CFR 640; 20 CFR 1147

Legal Deadline: None

Abstract: These amendments require continued payment based on the full payment rate to certain persons eligible for SSI payments under Section 1619 or 1611(e) of the Act who enter certain medical and psychiatric institutions. Without these provisions, SSI benefits would be reduced or suspended.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AC55

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629. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISION OF CONTRIBUTIONS FOR SUPPORT RULES

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 404.366(a)

Legal Deadline: None

Abstract: This proposed rule will change one of the requirements for determining whether an insured person is contributing to the support of a child at a specific time. The requirements that contributions be made regularly and be large enough to meet an important part of a child's living expenses will be replaced by a requirement that consideration be given to the economic circumstances of both the insured person and the child and that recognition also be given to the child's needs. Because of the minimal number of persons who will be affected by these proposed changes any additional program costs will be negligible.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AC57

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630. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SUPPLEMENTAL EARNINGS REPORTS

Legal Authority: 42 USC 403

CFR Citation: 20 CFR 404.455

Legal Deadline: None

Abstract: We have learned that old-age and survivors' insurance beneficiaries whose estimate of earnings for the current year is more than the exempt amount for that year, but is equal to or less than the prior year's earnings, tend to underestimate or fail to report their work for the next year which results in overpayments. We are proposing an addition to the current regulation which will clarify that our interpretation of Section 203(h)(3) and (h)(4) of the Social Security Act permits SSA to request estimates of earnings for the next taxable year as well as the current taxable year. If a beneficiary does not furnish the requested future year's earnings estimate, we will use the estimate for the current year to determine whether to withhold benefits

for the next year. We estimate savings of $3.5 million per year.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-8471**

RIN: 0960–AC58

631. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REPRESENTATION OF PARTIES - SUSPENSION AND DISQUALIFICATION OF REPRESENTATIVES

Legal Authority: 42 USC 405(a); 42 USC 406; 42 USC 1302; 42 USC 1383(d)

CFR Citation: 20 CFR 404.1745; 20 CFR 404.1750; 20 CFR 404.1760; 20 CFR 404.1765; 20 CFR 404.1770; 20 CFR 404.1790; 20 CFR 404.1799; 20 CFR 416.1545; 20 CFR 416.1550; 20 CFR 416.1560; 20 CFR 416.1565; 20 CFR 416.1570; 20 CFR 416.1590; 20 CFR 416.1599

Legal Deadline: None

Abstract: This proposal amends the regulations to provide that when it appears that a person who represents claimants in dealing with the Social Security Administration (SSA) has violated one of our rules, the SSA's Associate Commissioner for Hearings and Appeals, or his or her designee, will initiate proceedings to suspend or disqualify the representative. Under the existing regulations the Office of Retirement and Survivors Insurance performed this function.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1796**

RIN: 0960–AC59

632. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATION OF DISABILITY - DETERMINING STATE AGENCY SUBSTANTIAL FAILURE

Significance: Agency Priority

Legal Authority: 42 USC 421; 42 USC 1302

CFR Citation: 20 CFR 404.1641; 20 CFR 404.1670; 20 CFR 404.1680; 20 CFR 404.1682; 20 CFR 404.1683; 20 CFR 416.1041; 20 CFR 416.1070; 20 CFR 416.1080; 20 CFR 416.1082; 20 CFR 416.1083

Legal Deadline: None

Abstract: The proposed rules contain procedures for determining when a State agency has substantially failed to make disability determinations in accordance with applicable Federal law. If it is determined that a State agency has substantially failed to make disability determinations in a manner consistent with Federal regulations or other written guidelines, the Social Security Administration, in accordance with section 221 of the Social Security Act (42 USC 421), must assume the responsibility for making the disability determinations. The costs or savings likely to result from implementation of these regulations are not predictable.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AC60

633. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; VOCATIONAL REGULATIONS RESTRUCTURING AND CLARIFICATION

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 404.1550 to 404.1567, (new); 20 CFR 416.920; 20 CFR 416.945; 20 CFR 416.950 to 416.967, (new)

Legal Deadline: None

Abstract: Based upon adjudicative experience, we are proposing clarifications and a restructuring of the disability vocational evaluation regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AC61

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Final Rule Stage

634. SUPPLEMENTAL SECURITY INCOME PROGRAM; SUSPENSIONS, TERMINATIONS, AND ADVANCE NOTICE OF ADVERSE DETERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c; 42 USC 1382d; 42 USC 1383; PL 99-643, Sec 3; PL 99-643, Sec 4; PL 100-203, Sec 9103; PL 100-203, Sec 9112; PL 100-203, Sec 9115

CFR Citation: 20 CFR 416M

Legal Deadline: None

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. This regulation's original purpose was to make these rules easier to read and understand. However, these rules also reflect the following statutory enactments: (1) Section 3 of Pub. L. 99-643, (2) Section 4 of Pub. L. 99-643, (3) Section 9103 of Pub. L. 100-203, (4) Section 9112 of Pub. L. 100-203, and (5) Section 9115 of Pub. L. 100-203.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	05/08/86	51 FR 17057
NPRM Comment Period End	07/07/86	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 965-1794**

RIN: 0960–AA22

635. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Legal Deadline: None

Abstract: The proposed rules would provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discovered an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies.

Timetable:

Action	Date	FR Cite
NPRM	08/27/86	51 FR 30499
NPRM Comment Period End	10/27/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-1769**

RIN: 0960–AA59

636. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; TREATMENT OF OASDI LUMP SUM AND MONTHLY PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Legal Authority: 42 USC 405; 42 USC 407; 42 USC 602; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404U; 20 CFR 416F

Legal Deadline: None

Abstract: These proposed rules would revise 20 CFR 404.2040, which stipulates the use of benefit payments by a representative payee, explaining that retroactive and monthly title II benefits received by a representative payee may be used for other members of the AFDC Unit. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31886
NPRM Comment Period End	10/21/88	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 965-1769**

RIN: 0960–AA90

637. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; CONTINUED PAYMENT OF BENEFITS TO PERSONS IN VOCATIONAL REHABILITATION PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 425; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.316; 20 CFR 404.337; 20 CFR 404.352; 20 CFR 404.902; 20 CFR 404.1586; 20 CFR 404.1596; 20 CFR 404.1597; 20 CFR 416.1321; 20 CFR 416.1338; 20 CFR 416.1331; 20 CFR 416.1402

Legal Deadline: None

Abstract: This change permits the continued payment of disability benefits to persons who medically recover while participating in a vocational rehabilitation (VR) program, without regard to whether the person was expected at the onset of the VR program to medically recover before the scheduled completion date of the program and without regard to whether the person has any residual functional limitation. These changes bring the regulations into conformity with certain recent court decisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/14/86	51 FR 17616
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations,

6401 Security Blvd., Baltimore, MD 21235, **301 965-1753**

RIN: 0960–AB05

638. SUPPLEMENTAL SECURITY INCOME PROGRAM AND MEDICAID ASSISTANCE; WHAT IS NOT INCOME

Legal Authority: 42 USC 1382a

CFR Citation: 20 CFR 416.1103(a); 42 CFR 435.725(c); 42 CFR 435.726(c); 42 CFR 435.733(c); 42 CFR 435.735(c); 42 CFR 435.832(c); 42 CFR 436.832(c)

Legal Deadline: None

Abstract: The rule changes SSI policy to consider Veterans Administration payments resulting from unusual medical expenses not to be income for SSI purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32252
NPRM Comment Period End	10/24/88	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB09

639. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; EXISTING MEDICAL EVIDENCE

Significance: Regulatory Program

Legal Authority: PL 98-460, Sec 9; 42 USC 405; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993; 20 CFR 416.902; 20 CFR 404.1513; 20 CFR 416.913; 20 CFR 404.1520; 20 CFR 404.1545; 20 CFR 416.945; 20 CFR 404.1546; ...

Legal Deadline: None

Abstract: The regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The regulations also provide for evaluating all medical evidence of record and developing a 12-month medical history. References to "medical assessments" will be replaced by references to medical source statements as to what a person can still do despite his or her impairment(s). The regulations also set forth the standards to be used in evaluating the medical opinions of treating and other medical sources. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/20/87	52 FR 13014
NPRM Comment Period End	06/19/87	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB22

640. SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME--FUNDS USED TO PAY INDEBTEDNESS

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Legal Deadline: None

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The regulation will clarify that we count such amounts as income. Because this clarification only will reflect current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	09/15/87	52 FR 34813
NPRM Comment Period End	11/16/87	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1755**

RIN: 0960–AB29

641. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY-COMPLIANCE, AND OTHER CHANGES

Legal Authority: 42 USC 405; 42 USC 421; 42 USC 1302; PL 98-460, Sec 17; 42 USC 1383

CFR Citation: 20 CFR 404.1601; 20 CFR 416.1001; 20 CFR 404.1602; 20 CFR 416.1002; 20 CFR 404.1615; 20 CFR 416.1015; 20 CFR 404.1620; 20 CFR 416.1020; 20 CFR 404.1632; 20 CFR 416.1023; 20 CFR 404.1626; 20 CFR 416.1026; 20 CFR 404.1627; 20 CFR 416.1027; 20 CFR 404.1633; ...

Legal Deadline: None

Abstract: These regulations for administering the disability determination function make changes to improve the disability determination process by modifying our State agency monitoring and technical and management assistance procedures, administrative standards, and fiscal, audit, and appeals requirements. They also clarify when we will find that a State agency has substantially failed to make disability determinations consistent with the regulations and other written guidelines.

Timetable:

Action	Date	FR Cite
NPRM	04/25/86	51 FR 15638
NPRM Comment Period End	06/24/86	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1755**

RIN: 0960–AB36

HHS—SSA

Final Rule Stage

642. OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 404V; 20 CFR 416V

Legal Deadline: None

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to vocational rehabilitation agencies (VRAs) for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their medical recovery. The second new provision allows payment to VRAs for the costs of VR services provided to beneficiaries/recipients who refuse without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36510
NPRM Comment Period End	12/09/86	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Dave Smith**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1758**

RIN: 0960–AB37

643. OLD AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c

CFR Citation: 20 CFR 404.1501; 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1577; 20 CFR 416.901; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 404.1523; 20 CFR 416.923

Legal Deadline: None

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. When the combined effect is found to be severe, the person's impairments are evaluated throughout the full sequential evaluation process. We are revising the regulations to explain in greater detail how we consider the combined effect of multiple impairments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/05/85	50 FR 08726
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William Ziegler**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 965-1759**

RIN: 0960–AB39

644. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS: EVALUATION OF SYMPTOMS, INCLUDING PAIN

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1382c; 42 USC 1383; 42 USC 1302

CFR Citation: 20 CFR 404P; 20 CFR 416I

Legal Deadline: None

Abstract: These regulations expand the existing regulations pertaining to the evaluation of cases involving pain or other symptoms to provide a more detailed explanation of SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35577
NPRM Comment Period End	11/14/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William Ziegler**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 965-1759**

RIN: 0960–AB41

645. OASDI & SSI PROGRAMS; OVERPAYMENT AND LIABILITY FOR REPAYMENT OF AN OVERPAYMENT

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.501; 20 CFR 404.502; 20 CFR 416.537; 20 CFR 404.501a

Legal Deadline: None

Abstract: These final rules implement section 12113 of Pub. L. 99-272 (Consolidated Omnibus Budget Reconciliation Act of 1985) enacted April 7, 1986. That legislation establishes a Social Security benefit overpayment or a Supplemental Security Income benefit overpayment to a joint account owner in certain cases in which the beneficiary is deceased and payment is made after death. Also, we propose to add technical corrections to the title II regulations

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8470

RIN: 0960–AB78

646. OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; BLACK LUNG; AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; AND ORGANIZATION AND PROCEDURES; APPLICATION OF CIRCUIT COURT LAW

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1395; 42 USC 1395(a)(2); 42 USC 1395hh; 5 USC 552

CFR Citation: 20 CFR 422E; 20 CFR 404J; 20 CFR 410F; 20 CFR 416N

Legal Deadline: None

Abstract: These proposed regulations withdraw the Notice of Proposed Rulemaking (NPRM) published at 52 FR 2557 on January 23, 1987. That NPRM described a new type of Social Security ruling (Social Security Acquiescence Ruling or "Acquiescence Ruling"), which is available to the public. These proposed regulations reflect a new proposed policy explaining the manner in which we will apply decisions of the United States Courts of Appeals, that we determine conflict with Social Security Administration policy in adjudicating claims under title II and title XVI of the Social Security Act and title IV, Part B of the Federal Mine Safety and Health Act of 1977. The regulation changes will become effective on the date of publication of final regulations.

Timetable:

Action	Date	FR Cite
Prior Notice of Proposed Rulemaking	01/23/87	52 FR 02557
NPRM	11/18/88	53 FR 46628
NPRM Comment Period End	01/17/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1769

RIN: 0960–AB85

647. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DECISIONS BY ADMINISTRATIVE LAW JUDGES IN CASES REMANDED BY COURTS

Significance: Agency Priority

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; 42 USC 401; 42 USC 421

CFR Citation: 20 CFR 404.953; 20 CFR 404.983; 20 CFR 404.984; 20 CFR 416.1453; 20 CFR 416.1483; 20 CFR 416.1484; 20 CFR 404.955; 20 CFR 404.986; 20 CFR 416.1455; 20 CFR 416.1486

Legal Deadline: None

Abstract: If the court remands a case and the SSA Appeals Council remands it to an administrative law judge (ALJ), under current regulations the ALJ returns the case to the Appeals Council with a recommended decision, and the Appeals Council must review that decision and take further action in every case before the decision becomes final. This can involve delay. The regulation would permit the ALJ to make a decision which would become final unless, within 30 days after the decision is received, the claimant files exceptions or within that period requests an extension of time to file exceptions, or within 60 days after the date of the decision the Appeals Council decides to review the decision on its own. The change will permit more timely final decisions, and result in administrative savings of about $1 million per year, due to a reduction in the number of personnel required to review the ALJ decision.It will not affect program cost.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38466
NPRM Comment Period End	12/15/87	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1769

RIN: 0960–AC07

648. SUPPLEMENTAL SECURITY INCOME PROGRAM: FEDERAL ADMINISTRATION OF OPTIONAL STATE SUPPLEMENTATION

Legal Authority: 42 USC 1382e; 42 USC 1302

CFR Citation: 20 CFR 416.2030(a)(2); 20 CFR 416.2040(b)

Legal Deadline: None

Abstract: 42 USC 1382e provides that at the option of a State with a federally administered optional supplementation program, the supplementation agreement between such State and the Secretary of HHS may be modified to allow Federal administration of optional supplementary payments to any individual in a medical facility where more than 50 percent of the individual's care is covered by the Medicaid program (Living Arrangements (LA) "D" recipients). The proposed regulation will reflect the amendment to the statute discussed above.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1755

RIN: 0960–AC13

649. SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE IN THE UNITED STATES UNDER COLOR OF LAW - ADDITIONAL CATEGORY

Legal Authority: 42 USC 1382c; PL 99-603

CFR Citation: 20 CFR 416.1618; 20 CFR 416.1615

HHS—SSA

Final Rule Stage

Legal Deadline: None

Abstract: This proposed regulation will add the specific categories of aliens legalized by P. L. 99-603 to be considered permanently residing in the United States under color of law or lawfully admitted for permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4296
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1758

RIN: 0960–AC26

650. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EMPLOYMENT, WAGES, SELF-EMPLOYMENT, AND SELF-EMPLOYMENT INCOME

Legal Authority: PL 98-21; PL 99-514; PL 98-369; PL 100-203; PL 100-647

CFR Citation: 20 CFR 404.1041; 20 CFR 404.1042; 20 CFR 404.1068; 20 CFR 404.1049; 20 CFR 404.1050; 20 CFR 404.1001; 20 CFR 404.1026; 20 CFR 404.1046; 20 CFR 404.1048; 20 CFR 404.1051; 20 CFR 404.1052; 20 CFR 404.1053; 20 CFR 404.1054; 20 CFR 404.1058; 20 CFR 404.1070; ...

Legal Deadline: None

Abstract: PL 98-21 changed the timing of crediting deferred compensation for Social Security purposes. It also changed the treatment of retirement pay depending upon whether it is paid under a qualified deferred compensation plan. Further, it excluded from coverage various fringe benefits and payments under a Simplified Employee Pension Plan. Finally, the amendments codify certain provisions pertaining to meals and lodging and tax-sheltered annuities. PL 98-369 amended the wage exclusion for qualified bond purchase plans. PL 99-514 excluded from coverage payments under a cafeteria plan; amended the law for determining self- employment income when an individual works for a church or church-controlled organization which has elected not to pay social security taxes; and amended the law for receiving an exemption from social security coverage for members of religious orders, ministers, and Christian Science practitioners. We are adding to the final rule the provisions in Sec 9003 of PL 100-203 and Sec 8013 of PL 100-647 concerning wage exclusion of group life insurance payments. These regulations merely reflect the above provisions and do not add substantive rules.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24727
NPRM Comment Period End	08/29/88	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Since the new rules are mandated by legislation, any costs or effects upon small entities are a result of the legislation and not a result of the proposed regulations.

Agency Contact: Charles Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1794

RIN: 0960–AC27

651. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONSIDERATION OF VOCATIONAL FACTORS

Significance: Agency Priority

Legal Authority: 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 405; 42 USC 1383

CFR Citation: 20 CFR 404.1560; 20 CFR 416.960

Legal Deadline: None

Abstract: These regulations reflect longstanding policies followed by the Social Security Administration in making disability determinations and remove an ambiguity which exists in the present regulations regarding the factors that are considered when it is determined that a claimant is not disabled because he or she is able to do his or her past work. These proposed regulations do not reflect a substantive change in policy and are intended only to clarify what has always been agency policy.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21685
NPRM Comment Period End	08/08/88	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960–AC31

652. ORGANIZATION AND PROCEDURES, AND OASDI PROGRAMS; EVIDENCE REQUIRED FOR ORIGINAL OR DUPLICATE SOCIAL SECURITY NUMBER CARD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: The proposed regulations will allow the Social Security Administration (SSA) to test procedures that will provide an exception to the current requirement that an applicant for a duplicate card must submit corroborative evidence of identity. This will enable us to test procedures that would allow us to conduct much of our business in processing applications for duplicate Social Security number cards by telephone.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-8471

RIN: 0960–AC32

653. ORGANIZATION AND PROCEDURES, AND OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; SOCIAL SECURITY NUMBER CARDS FOR ALIENS

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 422B

Legal Deadline: None

Abstract: The proposed regulation will reflect the role of the Immigration and Naturalization Service in obtaining applications for Social Security numbers from aliens when they apply for temporary legal resident status. Rules on evidence needed to support an application are being updated and revised. The proposed regulations will also reflect the role of the States in obtaining applications for Social Security numbers from welfare claimants and recipients. Savings for the Federal government are estimated to be $5.9 million for FY 1988 and $6.3 million for subsequent years.Virtually all of the savings are derived from the provision to reflect the role of the States in enumeration of welfare recipients.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38302
NPRM Comment Period End	11/29/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-8471

RIN: 0960–AC34

654. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITION OF DOWN SYNDROME TO THE LISTING OF IMPAIRMENTS

Legal Authority: 42 USC 1302; 42 USC 405

CFR Citation: 20 CFR 404P

Legal Deadline: None

Abstract: We propose to add Down Syndrome to the multiple body systems, category of impairments, in Part B of the Listing of Impairments to provide for evaluation of Down syndrome claims according to the impairment criteria for the major system affected. The Listing of Impairments describes, for each of the major body systems, a level of severity which is considered sufficient to find a person disabled or blind under the disability program. Part B contains additional medical criteria that apply only to the evaluation of impairments of persons under age 18.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37161
NPRM Comment Period End	12/04/87	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960–AC35

655. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CANCELLED CONSULTATIVE EXAMINATIONS

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1624; 20 CFR 416.1024

Legal Deadline: None

Abstract: We are proposing to no longer pay for consultative examinations when services are not rendered because the scheduled appointment was broken or otherwise not kept. Presently, the States decide whether to pay for these canceled examinations and such payments have already been abolished in 22 States. The total elimination of these payments will establish a uniform national policy.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39487
NPRM Comment Period End	12/06/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 965-1759

RIN: 0960–AC40

656. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION OF REAL PROPERTY WHEN IT CANNOT BE SOLD; AND TRANSFER OF ASSETS FOR LESS THAN FAIR MARKET VALUE

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.1242; 20 CFR 416.1245; 20 CFR 416.1246

Legal Deadline: Final, Statutory, April 1, 1988.

Abstract: We have amended regulations under the Supplemental Security Income program to implement sections 9103 and 9104 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) dealing with the disposition and transfer of resources in determining eligibility for SSI benefits. The cost/savings and workyear impact for these regulations have been estimated to be insignificant.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/88	53 FR 13254
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AC47

657. SUPPLEMENTAL SECURITY INCOME PROGRAM; EXCLUSION FROM RESOURCES OF FUNDS SET ASIDE FOR BURIAL AND BURIAL SPACES

Legal Authority: 42 USC 1302; 42 USC 1382b

CFR Citation: 20 CFR 416.1231

Legal Deadline: None

Abstract: We propose to amend our regulations to reflect the changes made by section 9105 of Pub. L. 100-203 (the Omnibus Budget Reconciliation Act of 1987) and to make other policy changes concerning the treatment of burial spaces and certain funds set aside for burial expenses in the Supplemental Security Income program. The cost/savings and workyear impact for this NPRM have been estimated to be insignificant.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	53 FR 35930
NPRM Comment Period End	11/14/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AC48

658. SUPPLEMENTAL SECURITY INCOME PROGRAM; PUBLIC EMERGENCY SHELTERS FOR THE HOMELESS, EXCLUSION OF UNDERPAYMENTS, INCREASE IN PERSONAL NEEDS ALLOWANCE

Legal Authority: PL 100-203, Sec 9113; PL 100-203, Sec 9114; PL 100-203, Sec 9119

CFR Citation: 20 CFR 416.201; 20 CFR 416.211; 20 CFR 416.414; 20 CFR 416.432; 20 CFR 416.1160; 20 CFR 416.1163; 20 CFR 416.1165; 20 CFR 416.1233; 20 CFR 416.2095; 20 CFR 416.2096; 20 CFR 416.2097; 20 CFR 416.2098; 20 CFR 416.2099

Legal Deadline: None

Abstract: These interim regulations will reflect sections 9113, 9114, and 9119 of Pub.L. 100-203 by increasing the number of months an individual who resides in a public emergency shelter for the homeless may be eligible for SSI payments, by temporarily extending the time period during which any retroactive payments made under the title II and title XVI programs will be excluded from resources, and increasing the benefit rate for persons in medical institutions where Medicaid pays more than one-half the cost of their care. We anticipate only a negligible increase in program costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1756

RIN: 0960–AC54

659. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; SOCIAL SECURITY NUMBERS FOR NEWBORN CHILDREN

Significance: Agency Priority

Legal Authority: 42 USC 405

CFR Citation: 20 CFR 422.103

Legal Deadline: None

Abstract: Under the proposed rule, a parent will be able to request a Social Security number in the hospital when he or she provides birth registration information for a newborn child. The State vital statistics office will receive the information and the request from the hospital and electronically transmit this information to the Social Security Administration (SSA). SSA will assign a Social Security number to the child and send a card to the parents. We expect annual savings of $11.4 million. A pilot project in three States has shown this procedure to be efficient and well-received.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6707
NPRM Comment Period End	03/16/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-8471

RIN: 0960–AC56

660. ● OLD-AGE, SURVIVORS AND DISABILITY INSURANCE; CONTINUED PAYMENT OF BENEFITS DURING APPEAL

Significance: Agency Priority

Legal Authority: PL 100-647, Sec 8006

CFR Citation: 20 CFR 404.1597a

Legal Deadline: None

Abstract: These proposed rules, which implement section 8006 of Pub. L. 100-647, extend the right to elect continuation of disability/blindness benefits and/or Medicare coverage for appeals of medical cessation determinations pending an administrative law judge decision on actions terminating benefits made through December 1989, with benefits payable through June 1990. (Effective for terminations occurring before January 1, 1990. Note: 53 FR 29011 published August 2, 1988 reflected section 9009 of PL 100-203 which was effective for terminations occurring before January 1, 1989.)

Timetable:

Action	Date	FR Cite
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Dudar, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 965-1795

RIN: 0960–AC62

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Completed Actions

Social Security Administration (SSA)

661. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Significance: Agency Priority

CFR Citation: 20 CFR 404.1018

Completed:

Reason	Date	FR Cite
Final Action	10/04/88	53 FR 38943

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane Heaton 301 965-8470

RIN: 0960–AA89

662. SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF PROPERTY HELD IN TRUST OR OTHER SIMILAR LEGAL DEVICES WHEN THE PROPERTY IS AVAILABLE FOR A BENEFICIARY'S SUPPORT AND MAINTENANCE

CFR Citation: 20 CFR 416.1201

Completed:

Reason	Date	FR Cite
Regulation Action Discontinued	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Henry D. Lerner 301 965-1756

RIN: 0960–AB79

663. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REDUCTION BECAUSE OF ENTITLEMENT TO OTHER BENEFITS

CFR Citation: 20 CFR 404.407; 20 CFR 404.612

Completed:

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 45603

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence V. Dudar 301 965-1795

RIN: 0960–AB87

664. OLD-AGE SURVIVORS AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; THE HEARINGS AND APPEALS PROCESS AND REOPENING DETERMINATIONS AND DECISIONS

Significance: Agency Priority

CFR Citation: 20 CFR 404J; 20 CFR 404R; 20 CFR 410F; 20 CFR 416N; 20 CFR 416O; 20 CFR 422

Completed:

Reason	Date	FR Cite
Regulation Action Discontinued	12/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Berge 301 965-1769

RIN: 0960–AC15

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

665. ● WAIVERS TO REQUIREMENT THAT STATES SPEND AT LEAST A CERTAIN PORTION OF STATE BLOCK GRANT FUNDS FOR NEW MENTAL HEALTH SERVICES AND PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-690

CFR Citation: 45 CFR 96

Legal Deadline: None

Abstract: Section 2027 of Public Law 100-690 amends Section 1916 of the PHS Act to set a floor on the amount States must spend each year beginning in FY 1991 from Alcohol and Drug Abuse and Mental Health Services Block Grant funds for new mental health services and programs. However, the Secretary may grant any State that he determines to be in a financial crisis a waiver lowering that floor by up to a certain amount. The Act requires that such determinations be based on standards published in regulations. Issues to be resolved in regulations include: (a) how to determine when a State is in a financial crisis; (b) what information States must provide to assure that a waiver is needed to avoid disruption to existing and planned high priority services; (c) how to determine the extent of relief to be granted for approved waivers; and (d) imposing requirements that are cost effective.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Susan L. Becker, Deputy Associate Aministrator for, Policy Coordination, ADAMHA, Department of Health and Human Services, Public Health Service, Rm. 12C-06, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-4111

RIN: 0905–AC99

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

666. NIOSH REVISION OF TESTS AND REQUIREMENTS OF CERTIFICATION OF RESPIRATORY PROTECTIVE DEVICES

Significance: Regulatory Program

Legal Authority: 30 USC 801; 30 USC 844; 30 USC 957

CFR Citation: 30 CFR 11; 42 CFR 84

Legal Deadline: None

Abstract: The proposed rule addresses three major problems of the current regulation by (l) substantially upgrading laboratory performance tests for certifying respirators; (2) adding quantitative face seal performance tests; and (3) replacing current certification tests that are design- or application-specific with tests that are performance-based. The first NPRM for revising 42 CFR Part 84 was published in the Federal Register on August 27, l987 (52 FR 32402). In response to the many comments on the first proposal, NIOSH is in the process of developing a second NPRM.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32402
First Public Hearing	01/20/88	52 FR 37639
Second Public Hearing	01/27/88	52 FR 37639
NPRM Public Comment Period End	03/28/88	53 FR 5595
Second NPRM Published	05/00/89	
Second NPRM Comment Period End	08/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $7,096,000; Yearly Recurring Cost: $6,400,000; Base Year for Dollar Estimates: 1990

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Agency Contact: Dr. Nelson A. Leidel, Senior Science Advisor, Office of the Director, NIOSH, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, MS D37, Atlanta, GA 30333, 404 639-3901

RIN: 0905–AB58

667. SUBCHAPTER J - NATIONAL VACCINE PROGRAM, PART 110 INFORMATION AND EDUCATION, SUBPART A - VACCINE INFORMATION MATERIALS

Significance: Agency Priority

Legal Authority: 42 USC 300aa-26; PL 99-660, Sec 311(a)

CFR Citation: 42 CFR 110

Legal Deadline: Final, Statutory, December 22, 1988.

Abstract: This new regulation is required to implement the statutory requirements of Section 2126, Title XXI, Public Health Service Act as amended. The statute requires the Secretary to develop and disseminate vaccine information materials for distribution by health care providers. These materials will be published as an appendix of this regulation. The regulation describes the vaccine information materials and the health care providers' duties to disseminate a copy of the materials to any adult to whom the provider intends to administer vaccine and to the legal representative of any child to whom the provider intends to administer vaccine. The NPRM has a 90-day comment period.

Timetable:

Action	Date	FR Cite
NPRM	03/03/89	54 FR 9181
Public Hearing	04/17/89	54 FR 11547
NPRM Comment Period End	05/31/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Walter A. Orenstein, M.D., Director, Division of Immunization, Center for Prevention Services, Department of Health and Human Services, Public Health Service, Centers for Disease Control, 1600 Clifton Road, Atlanta, GA 30333, 404 639-1880

RIN: 0905–AC83

668. ● INTERSTATE SHIPMENT OF BIOLOGICAL MATERIAL THAT CONTAINS OR MAY CONTAIN ETIOLOGIC AGENTS

Significance: Agency Priority

Legal Authority: 42 USC 216; 42 USC 264; 42 USC 271

CFR Citation: 42 CFR 72

Legal Deadline: None

Abstract: The revised regulation will clarify the requirements for packaging and shipping material containing etiologic agents. Some users have had difficulty applying the current regulation, particularly with respect to the definition of material covered. The revised regulation is not expected to have a major impact on the cost of shipping these materials and is expected to result in increased conformance so that those handling such packages will have an even lower probability of exposure to potentially infectious material.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John W. McVicar, D. V. M., Director, Office of Biosafety, Centers for Disease Control, Department of Health and Human Services, Public Health Service, 1600 Clifton Road NE, Atlanta, GA 30333, 404 639-3883

RIN: 0905–AC89

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Final Rule Stage

Public Health Service (PHS)—Centers for Disease Control (CDC)

669. HEALTH ASSESSMENTS AND HEALTH EFFECTS STUDIES OF HAZARDOUS SUBSTANCES RELEASES AND FACILITIES

Significance: Agency Priority

Legal Authority: 42 USC 9601 et seq, Sec 104(i) amended by Sec 110 of SARA; 42 USC 6939a(c)

CFR Citation: 42 CFR 90

Legal Deadline: None

Abstract: This regulation sets forth procedures the Agency for Toxic Substances and Disease Registry (ATSDR) will follow in determining when and how to conduct health assessments and health effects studies at hazardous substances releases and facilities. In addition to CERCLA-authorized health assessments and health effects studies, this regulation also applies to ATSDR health assessment activity under the Resource Conservation and Recovery Act (RCRA) (42 USC 6939a(c)). This proposal also contains provisions pertaining to the establishment of administrative records for ATSDR health assessments and health effects studies, for tracking costs of these studies for cost recovery purposes, and for safeguarding trade secret and other confidential information.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32259
NPRM Comment Period End	10/24/88	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Ralph J. Touch, Jr., Director, Planning and Special Programs, ATSDR, Department of Health and Human Services, Public Health Service, Chamblee 27, F38, 1600 Clifton Road, Atlanta, GA 30333, 404 488-4853

RIN: 0905–AC84

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Prerule Stage

Public Health Service (PHS)—Food and Drug Administration (FDA)

670. DRUG EXPORTS

Significance: Agency Priority

Legal Authority: PL 99-660 Drug Export Amendments Act of 1986

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Drug Export Amendments Act of 1986 authorizes the export for commercial marketing abroad of veterinary and human drugs not approved for marketing in the United States. Under previous law, the export of new human and animal drugs for marketing was confined to drugs that were approved by FDA for domestic use. The law establishes three separate pathways for the export of unapproved products. Under each pathway, FDA approval is required before export is permitted. As a prerulemaking activity, FDA is developing guidance material for manufacturers instructing them as to what information must be submitted to the agency to obtain approval for the export of unapproved products. The guidance material will also identify FDA sources of information on agency practices and policies concerning the implementation of the Drug Export Amendments Act of 1986. The agency will then decide what, if any, regulations are necessary for the efficient implementation of the amendments, and establish timeframes for the development of those regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Wayne Mitchell, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905–AC44

671. COMPUTER PRODUCTS; POLICY GUIDANCE

Significance: Regulatory Program

Legal Authority: 21 USC 321(h)

CFR Citation: 21 CFR 800

Legal Deadline: None

Abstract: As a prerulemaking activity, FDA is developing guidance for manufacturers respecting how FDA would apply existing statutory requirements to the regulation of computer products (i.e., both hardware and software) when such products meet the definition of a medical device under the act.

On September 25, 1987, FDA made available a draft policy guidance intended to clarify how FDA would apply existing statutory requirements to the regulation of such products to provide opportunity for public participation in this activity.

Upon analysis of the public comments on the complex issues pertaining to the regulation of computer products, the agency will decide whether any additional steps are necessary to clarify which computer products meet the definition of a medical device and what level of regulation, if any, is appropriate under the act.

Timetable:

Action	Date	FR Cite
Proposed Draft Guideline	09/25/87	52 FR 36104
Final Policy Guidance	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles S. Furfine, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600

HHS—PHS—FDA **Prerule Stage**

Fishers Lane, Rockville, MD 20857, 301 443-4874

RIN: 0905–AC72

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA) **Proposed Rule Stage**

672. OVER-THE-COUNTER (OTC) DRUG REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Legal Deadline: None

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in the NPRM for "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Antifungal," "Antimicrobial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM (cont)

Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products (To be merged w/other rulemkg)
ANPRM 05/21/82 (47 FR 22324)

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 08/15/88 (53 FR 30756)

Antacid Drug Products
ANPRM 04/05/73 (38 FR 8714)
NPRM 11/12/73 (38 FR 31260)
Final Action 06/04/74 (39 FR 9862)

Anthelmintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 08/01/86 (51 FR 27756)

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 12/11/87 (52 FR 47312)

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 09/30/85 (50 FR 39854)
NPRM 06/15/88 (53 FR 22430)
Final Action 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 04/30/86 (51 FR 16138)
Final Action 00/00/00

Antidotes, Toxic Ingestion Prdts (Now Poison Treatment Prdts)
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 04/30/87 (52 FR 15886)

Antiflatulent Drug Products
NPRM 11/12/73 (38 FR 31260)
Final Action 06/04/74 (39 FR 19877)
NPRM (Amendment) 01/29/88 (53 FR 2716)

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 06/00/89

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Antiseptic First Aid
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 09/00/89

Antiseptic Products (Professional Use)
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 09/00/89

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 06/00/89

Astringent (Wet Dressings) Prdts (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 02/20/87 (52 FR 5406)
Final Action 00/00/00

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 01/26/88 (53 FR 2198)
Final Action 00/00/00

Camphorated Oil Drug Products
ANPRM 09/26/80 (45 FR 63869)
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)
NPRM (Amendment) 08/15/88 (53 FR 30786)
Final Action (Amendment) 02/28/89 (54 FR 8320)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 02/20/87 (52 FR 5412)
Final Action 00/00/00

Cough/Cold (Anticholinergic) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 11/08/85 (50 FR 46582)

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
NPRM (Amendment) 08/24/87 (52 FR 31892)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 08/12/87 (52 FR 30042)

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 10/02/86 (51 FR 35326)

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 08/12/88 (53 FR 30522)
Final Action 00/00/00

Cough/Cold (Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 02/28/89 (54 FR 8494)

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 06/00/89

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 07/30/86 (51 FR 27346)
Final Action 00/00/00

Daytime Sedatives
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 06/22/79 (44 FR 36378)

Diaper Rash Products (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 01/29/88 (53 FR 2706)
Final Action 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12939)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 11/08/85 (50 FR 46594)
Final Action 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 5852)
NPRM (Amendment) (Dandruff) 07/30/86 (51 FR 27360)
NPRM (Amendment) (Anorectal) 08/25/88 (53 FR 32592)
NPRM (Amendment) (Poison Ivy) 06/00/89
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 06/17/85 (50 FR 25156)
Final Action 00/00/00

Fvr Blister/Cold Sore Prdts (Ext.) (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 06/00/89

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bite & Sting (Relief) Prdts (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)

Insect Repellent Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 06/17/85 (50 FR 25170)

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 11/16/88 (53 FR 46204)

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 06/17/85 (50 FR 25162)
Final Action 00/00/00

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
NPRM (Amendment) 10/01/86 (51 FR 35136)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 11/08/85 (50 FR 46588)
Final Action 00/00/00

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 10/02/85 (50 FR 40260)
Final Action 00/00/00

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 11/16/88 (53 FR 46194)

Mercurial (Topical) Products (To be merged w/other rulemkg)
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/14/89 (54 FR 6814)

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/26/83 (48 FR 29788)
Final Action 03/04/88 (53 FR 7076)

Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00

Oral Health Care Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 01/27/88 (53 FR 2436)
Final Action 00/00/00

Oral Mucosal Injury Products (Merged w/Oral Health Care)
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)

Oral Wound Healing Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)
Final Action 07/18/86 (51 FR 26112)

Otic Products (Earwax)
NPRM 07/09/82 (47 FR 30012)
Final Action 08/08/86 (51 FR 28656)

Otic Products (Swimmers Ear)
NPRM 07/30/86 (51 FR 27366)
Final Action 00/00/00

Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00

Overindulgence Remedies/Prevention of Inebriation
ANPRM 10/01/82 (47 FR 43540)
Final Action 07/19/83 (48 FR 32872)

Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 04/03/89 (54 FR 13480)

Poison Ivy/Oak/Sumac Prevention (To be merged w/other rulemkg)
ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00

Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 06/00/89

Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 04/03/89 (54 FR 13490)
NPRM (Amendment) (Astringent) 04/00/89
NPRM (Amendment) (Poison Ivy) 06/00/89

Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 07/03/85 (50 FR 27552)
Final Action 00/00/00

Stimulant Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 02/29/88 (53 FR 6100)

Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 08/17/88 (53 FR 31270)

Sunscreen Products
ANPRM 08/25/78 (43 FR 38206)
NPRM 00/00/00

Sweet Spirits of Nitre
ANPRM 02/22/80 (45 FR 11846)
Final Action 06/27/80 (45 FR 43400)

Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00

Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00

Vitamin/Mineral Products
ANPRM 03/16/79 (44 FR 16126)
Withdrawal 11/27/81 (46 FR 57914)

Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
NPRM (Amendment) 03/27/87 (52 FR 9992)
Final Action 00/00/00

Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: for "Antimicrobial Products." NPRM for "Alcohol [Topical) Products" to be included in revised NPRM for "Antimicrobial Products." The NPRM for "Antimicrobial Products" is being revised because it is being updated and split into two sections: first aid products and health care products.

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-210), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8000

RIN: 0905–AA06

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673. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS; RETROSPECTIVE REVIEW

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Legal Deadline: None

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8049

RIN: 0905–AA73

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674. CURRENT GOOD MANUFACTURING PRACTICE (CGMP) FOR BLOOD AND BLOOD COMPONENTS; RETROSPECTIVE REVIEW

Significance: Agency Priority

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act; 5 USC 553 Administrative Procedures Act; 5 USC 702 Administrative Procedures Act; 5 USC 703 Administrative Procedures Act; 5 USC 704 Administrative Procedures Act

CFR Citation: 21 CFR 606

Legal Deadline: None

Abstract: FDA is responsible for issuing regulatory standards for blood and blood components to ensure the continued safety, purity, and potency of such products. Since 1975, CGMP regulations have been in effect that provide standards for facilities, personnel, and manufacturing procedures for blood and blood components. In accordance with the Regulatory Flexibility Act, FDA has conducted a retrospective review of its CGMP regulations for blood and blood components, to determine how the regulations may be revised to relieve regulatory burdens and increase flexibility without adversely affecting the public health. Part of the retrospective review of the CGMP will be completed through FDA's implementation of an efficacy review of blood and blood derivatives which responds to recommendations of a Committee of scientific experts--the Panel on Review of Blood and Blood Derivatives. To complete the remainder of the retrospective review program regarding the CGMP, FDA will issue a proposed rule to revise the CGMP regulations.

Timetable:

Blood & Blood Components; Retrospective Review
NPRM 11/00/89
Final Action 00/00/00

Blood & Blood Derivatives; Implementation of Efficacy Review
NPRM 12/24/85 (50 FR 52602)
Comment Period Ends 03/24/86 (50 FR 52602)
Final Action 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8188

RIN: 0905–AA75

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675. NEW ANIMAL DRUG APPROVAL PROCESS

Significance: Agency Priority

Legal Authority: 21 USC 360b Federal, Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Legal Deadline: None

Abstract: Based upon an evaluation of an action issues report, the agency has concluded that it will recommend that the Secretary propose revision of the existing regulations in a manner consistent with the current procedural regulations for human drugs where appropriate. The New Animal Drug Application (NADA) revisions would articulate general requirements in regulations containing performance standards and would complement them through detailed guidelines on, among other matters, appropriate ways of meeting requirements for submission of chemistry, pharmacology, and statistical data that would better address the intricate scientific issues involved. Although the guidelines would not establish regulatory requirements, persons would be able to rely on them with confidence that action taken under a guideline would be acceptable to the agency.

Timetable:

New Animal Drug Approval Process
NPRM 07/00/89

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Frank G. Pugliese, Supervisory Consumer Safety Officer, Office of New Animal Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-102), 5600 Fishers Lane, Rockville, MD 20857, 301 443-4500

RIN: 0905–AA96

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676. REQUIREMENTS FOR ADVERSE EXPERIENCE REPORTING FOR LICENSED BIOLOGICAL PRODUCTS

Significance: Agency Priority

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC

374 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 211; 21 CFR 310; 21 CFR 600

Legal Deadline: None

Abstract: This regulatory action is being taken to improve the safety of marketed drug products by a reporting scheme that will require serious adverse reactions associated with licensed biological products to be reported to the Food and Drug Administration (FDA).

The purpose of the regulatory action is to require prompt reporting to the agency of serious adverse experiences for all licensed biological products.

The regulatory action being considered by FDA would be consistent with the agency's requirements regarding adverse reactions reporting for approved new drugs under 21 CFR 314.80 (see February 22, 1985; 50 FR 7452). These biologic regulations would require that all "serious and unexpected" adverse experiences and any "significant increase in frequency" of a serious expected event be reported to the agency within 15 working days. Known and nonserious adverse biological product experiences would be required to be reported to the agency at quarterly or annual intervals, depending on the length of marketing experience with the product. This information (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: permits the agency to monitor effectively the safety of all licensed biological products.

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8188**

RIN: 0905–AB53

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677. PROPOSED RULE TO IMPLEMENT THE ORPHAN DRUG AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Significance: Regulatory Program

Legal Authority: PL 97-414 Orphan Drug Act; PL 100-290

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Orphan Drug Act is intended to provide incentives for drug companies to invest in the development of drugs for rare diseases or conditions. Certain incentives are necessary because "orphan drugs" are unlikely to be profitable. The agency is required to carry out provisions of the Orphan Drug Act, e.g., by designating a drug as an orphan drug, by providing protocol assistance, and by granting seven years of exclusive approval status. The proposed rule would establish procedures whereby drug sponsors can take advantage of the incentives to encourage development of orphan drugs. While several provisions of the Orphan Drug Act call for promulgation of regulations, the agency is considering the extent to which regulations will be needed to provide the framework and guidance for implementing a program of incentives to drug sponsors and manufacturers.

Timetable:

Action	Date	FR Cite
Interim Guidelines	09/09/83	48 FR 40784
Revised Interim Guidelines	05/09/85	50 FR 19583
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Emery J. Sturniolo, Assistant to the Director, Department of Health and Human Services, Food and Drug Administration, Office of Orphan Products Development (HF-35), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4713**

RIN: 0905–AB55

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678. IMPLEMENTATION OF TITLE I OF THE "DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984" (TITLE I)

Significance: Agency Priority

Legal Authority: PL 98-417, (Title I)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Until the passage of Title I of the "Drug Price Competition and Patent Term Restoration Act of 1984," abbreviated new drug application (ANDA) procedures were only available for generic products equivalent to pioneer drugs approved before 1962. Title I opened up the ANDA policy to generic copies of products approved after 1962. This rulemaking is intended to establish clear and uniform procedures for the review and timely approval of ANDAs. This should assist the generic drug industry by ending considerable confusion about the procedures governing review of ANDAs. In turn, with the availability of lower-cost generic products, it is estimated that consumers may save millions of dollars. The statute calls for promulgation of implementing regulations, however, the agency also expects to develop guidelines and other policy statements to assist in developing approvable applications. Revised target dates for this regulatory action are appropriate because many new issues have been identified in petitions and letters to the agency from trade associations and attorneys representing individual manufacturers concerning exclusivity, patent coverage, (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and some of the complex provisions of the act. The resolution of these many minor issues will be reflected in the NPRM and will permit the agency to develop a comprehensive proposed rule.

Agency Contact: Marilyn Watson, Special Asst. to the Division Director, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-360), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8038**

RIN: 0905–AB63

HHS—PHS—FDA

Proposed Rule Stage

679. INFANT FORMULA ACT

Significance: Regulatory Program

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; PL 99-570 Infant Formula Act of 1986

CFR Citation: 21 CFR 7; 21 CFR 106

Legal Deadline: None

Abstract: The agency is preparing two proposals and one final rule which will implement the Infant Formula Act of 1986. The final rule will amend FDA's Infant Formula Recall regulations. These amended regulations will mandate the recall of infant formulas that are in violation of the Act and which have been determined by the Secretary to pose a health hazard. The first proposal will establish current good manufacturing practice regulations and strengthen the agency's existing quality control procedures for infant formulas. The second proposal will establish infant formula microbiological testing, consumer complaints, and record retention requirements.

Timetable:

Infant Form Cons Comp, Micro Test & Recd Retention Reg
NPRM 01/26/89 (54 FR 3783)
NPRM Comment Period End 03/27/89
Infant Formula Current Good Practices; Qual Control Proc
NPRM 07/00/89
Infant Formula Recall
NPRM 08/14/87 (52 FR 30171)
Comment Period Ends 10/13/87 (52 FR 30171)
Final Action 01/27/89 (54 FR 4006)
Final Action Effective 03/28/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: AGENCY CONTACT CONT: For Information Concerning Infant Formula, Microbiological Testing, Consumer Complaints, Record Retention Requirements, Good Manufacturing Practices, and Quality Control Procedures Contact: Nicholas Duy, Consumer Safety Officer, Center for Food Safety and Applied Nutrition (HFF-204), Department of Health and Human Services, Food and Drug Administration, 200 C Street, SW, Washington, DC 20204, (202) 245-3117

Agency Contact: Curtis Coker, Consumer Safety Officer, (For Info Concerning Infant Formula Recalls), Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-314), 200 C Street, SW, Washington, DC 20204, 202 485-0024

RIN: 0905–AC46

680. ACTION LEVELS FOR ADDED POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD (INCLUDING ANIMAL FEED)

Significance: Regulatory Program

Legal Authority: 21 USC 342(a)(1)

CFR Citation: 21 CFR 109; 21 CFR 509

Legal Deadline: None

Abstract: FDA is considering a proposed rule that would (1) amend its regulations creating and describing action levels for added poisonous or deleterious substances in food (including animal feed) to make clear that these action levels are prosecutorial guidelines rather than substantive rules, and (2) revoke the provisions for exceptions to action levels in 21 CFR Part 109 (human food) and 21 CFR Part 509 (animal feed).

Timetable:

Action	Date	FR Cite
Notice of Court of Appeals Decision	02/19/88	53 FR 5043
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John R. Wessel, Director, Contaminants Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Regulatory Affairs (HFC-6), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1815

RIN: 0905–AC73

681. ● LOOK-BACK REQUIREMENTS FOR BLOOD RECIPIENTS WHO ARE AT INCREASED RISK OF HIV INFECTION

Significance: Regulatory Program

Legal Authority: 21 USC 351 to 360k; 21 USC 374; 42 USC 262 to 264

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The agency currently requires that all blood and blood components intended for the manufacture of any product be tested for antibody to human immunodeficiency virus (HIV). In instances when the blood of a donor is found to contain antibodies to HIV, some blood centers have initiated a program of voluntary "look-back" in which recipients of blood and blood components obtained from the donor's prior donations are traced and tested. A well-conducted look-back program can provide an effective mechanism for identifying, testing, and counseling transfusion recipients who are at increased risk of HIV infection--those who receive blood from a donor later found to be infected with HIV. The agency is considering a proposal to establish a mandatory look-back program. The proposal would require that blood collection facilities notify the appropriate transfusion facilities as soon as an infected donor is identified and implement a system of followup to ensure that either recipients are notified or that the physician of record determined that notification was inappropriate or was not possible.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8188

RIN: 0905–AC90

682. ● LEAD FROM CERAMIC PITCHERS

Significance: Agency Priority

Legal Authority: 21 USC 321; 21 USC 336; 21 USC 342(a); 21 USC 346; 21 USC 346a; 21 USC 348; 21 USC 371

CFR Citation: 21 CFR 109

Legal Deadline: None

Abstract: The agency is considering a proposal to establish a revised regulatory standard for ceramic food-service pitchers, excluding creamers, that would reduce the allowable limit of the leaching of lead from the glazes and decorations on the food-contact surface of these pitchers to below the current standard of 2.5 micrograms per milliliter of test solution. The proposal would also provide that decorative

ceramicware that appears to be suitable for food use would be deemed to be for food use unless it bears a conspicuous, permanent label statement molded or fired onto the ceramic piece that states that the piece is not for food use, or a hole is bored through the possible food-contact surface of the piece.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry C. Troxell, Supervisory Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 485-0229

RIN: 0905–AC91

683. ● PROFICIENCY TESTING REQUIREMENTS FOR LABORATORIES TESTING BLOOD AND BLOOD COMPONENTS BY THE FDA-REQUIRED TESTS FOR HBSAG AND ANTI-HIV

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 351; 21 USC 352; 21 USC 355; 21 USC 360; 21 USC 371; 42 USC 262; 42 USC 264

CFR Citation: 21 CFR 606; 21 CFR 610

Legal Deadline: None

Abstract: The agency is considering a proposal to amend the regulations concerning blood products to require that each establishment or laboratory, responsible for performing FDA-required tests for hepatitis B surface antigen (HBsAg) and evidence of human immunodeficiency virus (HIV), participate in an approved program to demonstrate proficiency in performing these tests. The proposal is part of an FDA program to provide increased assurance of the quality of laboratory performance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: JoAnn Minor, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Biologics Evaluation and Research (HFB-130), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8188

RIN: 0905–AC92

684. ● METHADONE IN MAINTENANCE TREATMENT OF NARCOTIC ADDICTS; JOINT FDA AND NIDA PROPOSED REVISION OF CONDITIONS OF USE

Significance: Regulatory Program

Legal Authority: 21 USC 355; 21 USC 371(a); 21 USC 823(g); 42 USC 257a; 42 USC 290ee-3

CFR Citation: 21 CFR 291

Legal Deadline: None

Abstract: The Food and Drug Administration and the National Institute on Drug Abuse are considering a proposal to revise the conditions for the use of methadone in the maintenance treatment of narcotic addicts. The proposal would allow programs to provide minimum service (interim) maintenance treatment to patients awaiting placement in comprehensive maintenance treatment and require programs to provide counseling on avoidance of human immunodeficiency virus (HIV) transmission. These requirements are being considered in response to the HIV epidemic and are intended to allow more narcotic addicts into treatment more quickly, thereby decreasing the incidence of intravenous drug abuse and the transmission of HIV.

Timetable:

Action	Date	FR Cite
NPRM	03/02/89	54 FR 8973
NPRM Comment Period End	05/03/89	54 FR 13897

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Wayne H. Mitchell, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, 301 295-8046

RIN: 0905–AC93

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—Food and Drug Administration (FDA)

Final Rule Stage

685. POLICIES CONCERNING USES OF SULFITING AGENTS

Significance: Regulatory Program

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 336 Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182.3616; 21 CFR 182.3637; 21 CFR 182.3739; 21 CFR 182.3766; 21 CFR 182.3798; 21 CFR 182.3862; 21 CFR 100; 21 CFR 130.9

Legal Deadline: None

Abstract: Acceptable evidence and information exists to show that a subgroup of asthmatics is at moderate to severe risk for a severe reaction upon exposure to sulfites. The agency's primary tool for handling a situation where population subgroups may be at increased risk from a food ingredient that is safe for most people is to use labeling to inform those persons who need or want to avoid the ingredient. The agency issued a final rule, effective January 7, 1987, that requires that when a sulfiting agent is present in a finished food at 10 parts per million or greater, the sulfiting agent must be declared on the label. In addition, FDA issued a final rule, effective August 8, 1986, prohibiting the use of sulfiting agents on raw fruits and vegetables intended to be served or sold raw to consumers (e.g., in salad bars). On December 10,

1987, FDA announced its tentative conclusion that there is no longer a basis to find that the use of sulfiting agents on "fresh" potatoes served or sold unpackaged to consumers is GRAS. On December 19, 1988, FDA proposed to affirm, with specific limitations, that certain other uses of sulfiting agents are GRAS. (cont)

Timetable:

Food Labeling; Declaration of Sulfiting Agents
NPRM 04/03/85 (50 FR 13306)
Final Action 07/09/86 (51 FR 25012)
Effective Date 01/09/87 (51 FR 25012)
GRAS Status of the Use of Sulfiting Agents on Potatoes
NPRM 12/10/87 (52 FR 46968)
Final Action 06/00/89
GRAS Status of Certain Other Food Uses of Sulfiting Agents, Etc.
NPRM 12/19/88 (53 FR 51065)
Final Action 03/00/90
Revoking Use of Sulfiting Agents on Fruits & Vegetables, Etc.
NPRM 08/14/85 (50 FR 32836)
Final Action 07/09/86 (51 FR 25021)
Final Action Effective 08/09/86 (51 FR 25021)
Sulfiting Agents in Standardized Foods; Labeling Requirements
NPRM 12/19/88 (53 FR 51062)
Final Action 03/00/90

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: On the same date, the agency also proposed to establish labeling requirements when sulfiting agents are used in standardized foods.

Agency Contact: Robert L. Martin, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-334), 200 C Street, SW, Washington, DC 20204, 202 426-9463

RIN: 0905–AB52

686. PROVISIONALLY LISTED COLOR ADDITIVES

Significance: Agency Priority

Legal Authority: 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376(b) to 376(d) Federal Food, Drug, and Cosmetic Act; 21 USC 376 note Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 81.1; 21 CFR 81.27

Legal Deadline: None

Abstract: Substantial progress has been made in reducing the number of provisionally listed additives and only 1 color additive remains on the provisional list. The agency is presently reviewing petitions to list the color additive permanently. Because FD&C Red No. 3 animal feeding studies have shown a treatment-related increased incidence of tumor bearing animals, the agency considered the use of quantitative risk assessment as a basis for assessing the safety of this color additive in external drugs and cosmetics. As a preliminary step in its consideration of this approach, the agency formed a scientific peer review panel of government scientists to consider whether it is possible to quantify the risk presented by the use of FD&C Red No. 3 based on the scientific data available to the agency and, if so, what level of risk is presented by the use of this color additive. The agency has received the report from the scientific review panel in which the panel estimates the risk of cancer from use of FD&C Red No. 3 in external drugs and cosmetics. Furthermore, for FD&C Red No. 3 the industry has postulated a secondary mechanism for the observed tumorigenic response in the animal feeding (cont)

Timetable:

D&C Red No. 33
Final Action 06/30/89 (53 FR 33110)
D&C Red No. 36
Final Action 08/02/88 (53 FR 29024)
FD&C Red No. 3
Final Action 00/00/00
FD&C Red No. 3; Extension of Provisional Listing
NPRM 08/30/88 (53 FR 33147)
FD&C Red No. 3; Request for Data for Specific Uses
Notice 11/19/87 (52 FR 44485)
FD&C Red No. 3; Request for Data for Specific Uses; Postponement
Notice 12/21/87 (52 FR 48326)

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: study. The agency asked a second scientific peer review panel of government scientists to consider data relating to the issue of a possible secondary mechanism and implications for risk assessment. The panel was also asked to determine what, if any, further studies or analyses may be necessary to resolve the issues. The panel submitted its report to the Commissioner in July 1987. The report was made available to the public in August 1987.

Agency Contact: Donna A. Dennis, Supervisor, Division of Food and Color Additives, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-330), 200 C Street, SW, Washington, DC 20204, 202 426-9463

RIN: 0905–AB60

687. FOOD LABELING INFORMATION REGARDING GOOD NUTRITION AND HEALTH

Significance: Regulatory Program

Legal Authority: 15 USC 1453 Fair Packaging and Labeling Act; 15 USC 1455 Fair Packaging and Labeling Act; 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of August 4, 1987, the Food and Drug Administration (FDA) discussed an initiative concerning health-related claims or information on food labeling and the criteria it will apply in evaluating the propriety of such labeling. Consistent with this initiative, FDA proposed to amend certain regulations on food labeling to codify and to clarify its policy on the appropriate use of health-related messages. The agency also announced its intention to form a Public Health Service (PHS) committee that will attempt to develop "health messages" appropriate for use on food labeling.

FDA recognizes that this initiative represents a substantive change in past agency policy, and because of the complexity of the matter and the broad public interest, wishes to proceed cautiously and deliberately in its regulatory approach.

Pending this rulemaking proceeding, the agency will employ the criteria discussed in the preamble to the notice in evaluating the propriety of bringing enforcement action against products bearing health messages on food labeling.

Timetable:

Action	Date	FR Cite
NPRM	06/04/87	52 FR 28643
NPRM - Comment Period Ends	11/02/87	52 FR 28843
NPRM - Extension of Comment Period	11/02/87	52 FR 42003
NPRM - Correction of Extension of Comment Period	11/16/87	52 FR 43772
NPRM - Extension of Comment Period Ends	01/04/88	52 FR 43772
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905–AB67

688. FOOD LABELING: DEFINITIONS OF CHOLESTEROL FREE, LOW CHOLESTEROL, AND REDUCED CHOLESTEROL

Significance: Regulatory Program

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.9; 21 CFR 101.25

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of November 25, 1986, the agency published a proposed rule that would provide a mechanism to allow relevant, truthful, and nonmisleading claims about cholesterol and fatty acid on product labeling for consumers. This proposed rule resulted from the medical and consumer interest in the association between dietary fat and cholesterol and the occurrence of coronary heart disease, the leading cause of death and disability in the United States today. The proposed rule would allow industry voluntarily to provide consumers with cholesterol and fatty acid information currently prohibited by regulations by permitting the use of meaningful descriptors of the cholesterol content of foods as established by regulation (e.g., "cholesterol free," "low cholesterol," and "reduced cholesterol"). Additionally, the proposal would allow the use of comparative claims (e.g., 50 percent less cholesterol than our original product), provided quantitative cholesterol content information is supplied. Public comments submitted in response to the proposed rule are being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42584
NPRM Extension of Comment Period	01/23/87	52 FR 2558
NPRM Comment Period End	03/27/87	52 FR 2558
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David G. Hattan, Chief, Regulatory Affairs Staff, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-204), 200 C Street, SW, Washington, DC 20204, 202 245-3117

RIN: 0905–AB68

689. METHYLENE CHLORIDE

Significance: Agency Priority

Legal Authority: 21 USC 361 Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 700.19

Legal Deadline: None

Abstract: Methylene chloride is used as a solvent in aerosol cosmetic products (hair sprays). Recent carcinogenicity bioassay studies, however, have shown that methylene chloride is an animal carcinogen. These studies indicate that the continued use of methylene chloride, in functional amounts, in such cosmetic products may pose a significant risk to the public health, especially in specific segments of the population that are continually exposed to aerosol cosmetics containing methylene chloride. The agency has been informed of voluntary efforts by the cosmetic industry to replace methylene chloride.

Timetable:

Action	Date	FR Cite
NPRM	12/18/85	50 FR 51551
NPRM - Comment Period Ends	02/18/86	50 FR 51551
NPRM - Comment Period Extended	02/24/86	51 FR 6494
NPRM - Extended Comment Period Ends	04/04/86	51 FR 6494
NPRM - Comment Period Reopened	12/05/86	51 FR 43935
NPRM - Reopened Comment Period Ends	01/05/87	51 FR 43935
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry C. Troxell, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 485-0229

RIN: 0905–AC00

690. COMMON OR USUAL NAME FOR DILUTED FRUIT OR VEGETABLE JUICE BEVERAGES OTHER THAN DILUTED ORANGE JUICE BEVERAGES

Significance: Regulatory Program

Legal Authority: 21 USC 321(n) Federal Food, Drug and Cosmetic Act; 21 USC 343 Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, and Cosmetic Act

CFR Citation: 21 CFR 102.33

Legal Deadline: None

Abstract: In 1980, FDA published a regulation (21 CFR 102.33) to require the declaration of the percent of juice contained in all diluted juice beverages. This regulation was published to extend the percent juice declaration required for diluted orange juice beverages (21 CFR 102.32) to all other diluted juice

beverages. These two regulations were developed to provide consumers with information as to the various amounts of juice in the diluted juice beverages offered for sale. The regulation regarding percentage juice declaration for diluted orange juice beverages had been in effect for several years and functioning well before the regulation addressing all other diluted juice beverages was published. With publication of 21 CFR 102.33, a controversy developed over the applicability of the regulation to diluted cranberry juice beverages. The controversy centered around the fact that cranberry juice is a high acid juice and is not normally consumed as a single strength juice. Due to this unresolved controversy, 21 CFR 102.33 has not been made effective. In the FEDERAL REGISTER of July 16, 1987 (52 FR 26690), the agency proposed to revoke the common or usual (cont)

Timetable:

Action	Date	FR Cite
NPRM - To Revoke Regulation	07/16/87	52 FR 26690
NPRM - Comment Period Ends	09/14/87	52 FR 26690
NPRM - Extension of Comment Period	09/25/87	52 FR 36046
NPRM - Extended Comment Period Ends	12/13/87	52 FR 36046
NPRM - Comment Period Reopened	01/22/88	53 FR 1795
NPRM - Reopened Comment Period Ends	01/27/88	53 FR 1795
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: name regulation (21 CFR 102.33) for diluted fruit or vegetable juice beverages other than diluted orange juice beverages. The revocation of this regulation will allow voluntary percentage labeling of these diluted juice beverages at the discretion of the manufacturer and according to the demands of the marketplace. Diluted orange juice beverages would continue to be subject to the percentage labeling requirement that has been in effect for diluted orange juice beverages since 1973. This proposed action also withdraws the proposed rule published in the FEDERAL REGISTER of June 1, 1984 (49 FR 22831), which, among other things, exempted cranberry juice products from percentage ingredient labeling requirements.

Agency Contact: Evelyn Osman, Division of Regulatory Guidance, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-312), 200 C Street, SW, Washington, DC 20204, 202 485-0229

RIN: 0905–AC48

691. PROTECTION OF HUMAN SUBJECTS; INFORMED CONSENT; STANDARDS FOR INSTITUTIONAL REVIEW BOARDS FOR CLINICAL INVESTIGATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346(a) Federal Food, Drug and Cosmetic Act; 21 USC 351 to 357 Federal Food, Drug and Cosmetic Act; 21 USC 360 Federal Food, Drug and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug and Cosmetic Act; 21 USC 371(a) Federal Food, Drug and Cosmetic Act; 21 USC 376 Federal Food, Drug and Cosmetic Act; 21 USC 381 Federal Food, Drug and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 241 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 50; 21 CFR 56

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of June 3, 1986 (51 FR 20204), the Office of Science and Technology Policy (OSTP) issued for public comment a proposed Model Federal Policy for the Protection of Human Research Subjects. This Model Policy is to enhance uniformity in the implementation of a common core of regulations governing research with human subjects. FDA has concurred in the proposed Model Policy to the extent permitted by law. FDA has proposed (53 FR 45678) to amend its regulations to eliminate certain inconsistencies with the proposed Model Policy.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45678
NPRM Comment Period End	01/09/89	53 FR 45678
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bonnie M. Lee, Public Health Advisor, Health Assessment Policy Staff, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-20), 5600 Fishers Lane, Rockville, MD 20857, 301 443-1382

RIN: 0905–AC52

692. MENSTRUAL TAMPONS; PROPOSED USER LABELING

Significance: Regulatory Program

Legal Authority: 21 USC 321; 21 USC 352; 21 USC 360; 21 USC 371; 21 USC 374

CFR Citation: 21 CFR 801.430

Legal Deadline: None

Abstract: FDA has proposed (53 FR 37250) to require manufacturers of menstrual tampons to add to each tampon package label a letter designation of the range of absorbency of the product. The proposal would enable consumers to compare the absorbency of one brand and style of tampons with the absorbency of other brands and styles. The NPRM also proposed requiring that absorbency be determined in accordance with a specific test method.

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 37250
NPRM Comment Period End	12/22/88	53 FR 37250
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Les Weinstein, Office of Standards and Regulations, Department of Health and Human Services, Food and Drug Administration, Center for Devices and Radiological Health (HFZ-84), 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-4874

RIN: 0905–AC54

HHS—PHS—FDA **Final Rule Stage**

693. PRESCRIPTION DRUG MARKETING ACT OF 1987; IMPLEMENTATION

Significance: Agency Priority

Legal Authority: PL 100-293

CFR Citation: 21 CFR 399

Legal Deadline: Final, Statutory, October 20, 1988.
Statutory date applies only to issuing guidelines for State licensing of wholesale drug distributors.

Abstract: The Prescription Drug Marketing Act of 1987 (the new law) amends the Federal Food, Drug, and Cosmetic Act to: (1) require State licensing of wholesale distributors of prescription human drugs under Federal guidelines including minimum standards for storage, handling, and recordkeeping; (2) ban the reimportation of prescription human drugs produced in the United States, except when reimported by the manufacturer or for emergency use; (3) ban the sale, trade, or purchase of drug samples; (4) ban trafficking in or counterfeiting of drug coupons; (5) mandate storage, handling, and recordkeeping requirements for drug samples; (6) require practitioners to request drug samples in writing; (7) prohibit, with certain exceptions, the resale of prescription human drugs purchased by hospitals or health care facilities; and (8) set forth criminal and civil penalties for violations of these provisions. The new law requires that the guidelines under (1) above be promulgated as a regulation, through notice and comment rulemaking. It also provides that the prohibition against distribution of prescription drugs by unlicensed wholesalers becomes effective two years (cont)

Timetable:

Action	Date	FR Cite
Final Decision on Further Regulations	00/00/00	

Prescription Drug Marketing Act; Information Letter
Notice 08/08/88 (53 FR 29776)

Reimportation of Prescription Drugs; Import Alert
Notice 07/26/88 (53 FR 28069)

Wholesale Drug Distributors; Guidelines for State Licensing
NPRM 09/13/88 (53 FR 35325)
NPRM Public Comment Period End 10/13/88
Final Action 09/00/89

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: after the final regulation is published by the agency in the FEDERAL REGISTER. FDA has developed guidance information respecting other sections of the new law. After seeking comments from the regulated industry and other interested persons, the agency will decide what, if any, regulations are necessary for implementing the other sections and will establish timeframes for the development of those regulations.

Agency Contact: Richard Arkin, Regulatory Counsel, Division of Regulatory Affairs, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8046**

RIN: 0905–AC81

694. ● EXPEDITING APPROVAL FOR DRUGS INTENDED TO TREAT LIFE-THREATENING AND SEVERELY-DEBILITATING ILLNESSES

Significance: Regulatory Program

Legal Authority: 21 USC 351 to 357; 21 USC 371; 42 USC 262

CFR Citation: 21 CFR 312

Legal Deadline: None

Abstract: In the FEDERAL REGISTER of October 21, 1988 (53 FR 41561), FDA issued an interim rule effective upon date of publication, with opportunity for public comment, that set forth procedures designed to speed the availability of new therapies to desperately ill patients, while preserving appropriate guarantees for safety and effectiveness. These procedures are intended to facilitate the development, evaluation, and marketing of such products, especially where no satisfactory alternative therapies exist. These procedures reflect the recognition that physicians and patients are generally willing to accept greater risks or side effects from products that treat life-threatening and severely-debilitating illness. These procedures also reflect the recognition that the benefits of the drug need to be evaluated in light of the severity of the disease being treated. The procedures apply to life-threatening or severely-debilitating illnesses. The agency is reviewing the public comments submitted in response to the interim rule and preparing a FEDERAL REGISTER document that will respond to these comments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41561
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven H. Unger, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research (HFD-362), 5600 Fishers Lane, Rockville, MD 20857, **301 295-8049**

RIN: 0905–AC94

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

695. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES FOR USE BY LICENSED VETERINARIANS

Significance: Agency Priority

CFR Citation: 21 CFR 514.1

Completed:

Reason	Date	FR Cite
Withdrawn	03/27/89	54 FR 12454

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald A. Gable, Director 301 443-1414

RIN: 0905–AB01

696. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Significance: Agency Priority

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Completed:

Reason	Date	FR Cite
Withdrawn Superseded by Title I of Generic Animal Drug Act	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Richard A. Carnevale 301 443-4314

RIN: 0905–AB72

697. TAMPER-RESISTANT PACKAGING REQUIREMENTS FOR OVER-THE-COUNTER (OTC) DRUGS

Significance: Regulatory Program

CFR Citation: 21 CFR 211.132

Completed:

Reason	Date	FR Cite
Final Action	02/02/89	54 FR 5227
Final Action Effective	02/02/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Diane Goyette 301 295-8046

RIN: 0905–AC70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Proposed Rule Stage

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

698. NURSING POST-BACCALAUREATE FACULTY FELLOWSHIPS PROGRAM

Legal Authority: 42 USC 216; 42 USC 1

CFR Citation: 42 CFR 57, (proposed Subpart BB)

Legal Deadline: None

Abstract: These proposed regulations would implement section 830 (b) of the Public Health Service Act relating to post-baccalaureate fellowships for faculty to conform with the Nurse Education Amendments of 1985 (Pub. L. 99-92).

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905–AC34

699. AREA HEALTH EDUCATION CENTER (AHEC) PROGRAM

Legal Authority: 42 USC 216; 42 USC 295g-1

CFR Citation: 42 CFR 57, Subpart MM

Legal Deadline: None

Abstract: This NPRM proposes to amend the existing regulations governing the Area Health Education Center Program, under section 781 of the Public Health Service Act, to incorporate amendments made by Pub. L. 100-607, of Title VI of the Health Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6190

RIN: 0905–AC67

700. DESIGNATION OF MENTAL HEALTH MANPOWER SHORTAGE AREAS

Legal Authority: 42 USC 216; 42 USC 254e

CFR Citation: 42 CFR 5

Legal Deadline: None

Abstract: This notice proposes an amendment to the existing regulations governing the Designation of Health Manpower Shortage Areas authorized by section 332 of the Public Health Service Act, which would replace the current criteria for designations of areas having shortages of psychiatrists with criteria for mental health manpower shortage areas to include not only psychiatrists but also other core mental health professionals (clinical psychologists, psychiatric social workers and psychiatric nurses) in a geographic area.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program & Policy, Development, BHCDA, Department of Health and Human Services, Public Health Service, Room 7A08, Parklawn Building, Rockville, MD 20857, 301 443-1034

RIN: 0905–AC68

701. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: BANKRUPTCY REVISIONS

Legal Authority: 42 USC 216; 42 USC 294 to 2941

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This NPRM would amend existing regulations governing the

Health Education Assistance Loan (HEAL) Program, as authorized by sections 727-739 of the Public Health Service Act, to include revised procedures for handling HEAL bankruptcies.

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AC75

702. NURSING STUDENT LOAN (NSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Nursing Student Loan (NSL) Program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, including nurses, and the Office of the Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Pub. L. 100-607, Title VII of the Nursing Shortage Reduction and Education Extension Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AC76

703. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: CASH MANAGEMENT

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Legal Deadline: None

Abstract: This NPRM would revise the existing regulations governing the Health Professions Student Loan program to improve the cash management practices of schools participating in the program. The revisions address recommendations made by the General Accounting Office in its report on debts owed by health professionals, and the Office of Inspector General as a result of several major cash management audits. This notice will also incorporate technical amendments to the existing regulations made by Pub. L. 100-607, Title VI of the Health Professions Reauthorization Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-4540**

RIN: 0905–AC78

704. ● GRANTS FOR COMMUNITY HEALTH CENTERS

Significance: Regulatory Program

Legal Authority: PL 100-386; PL 95-626; PL 99-280

CFR Citation: 42 CFR 51c

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 51c, Subpart A-E, to bring them into conformance with amendments to Section 330 of the Public Health Service Act which were enacted in 1986 and 1988. These include extension of the program authorization, addition of capital construction authority, and changes regarding program income and services. PL 99-280 requires that the Secretary consult with the Chief Executive Officer and local officials of a State in publishing MUP designation criteria and in designating or de-designating MUP. The amendment also requires the Secretary to consult with State organizations representing a majority of Community Health Centers in the State.

Timetable:

Action	Date	FR Cite
NPRM	06/13/89	
NPRM Comment Period End	08/13/89	
Final Action	12/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Libby Merrill, Program Analyst, Bureau of Health Care Delivery & Assistance, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, **301 443-1034**

RIN: 0905–AC85

705. ● GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: PL 100-386; PL 95-626

CFR Citation: 42 CFR 56

Legal Deadline: None

Abstract: This regulation will amend the existing regulations at 42 CFR 56, Subparts A-H, to bring them into conformance with amendments to section 329 of the PHS Act. They were enacted in 1986 and 1988. These include extension of the program authorization, addition of peri-natal program authorization, addition of capital construction authority, and changes regarding program income and services.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	09/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Office of Program & Policy, Development, BHCDA, Department of

HHS—PHS—HRSA **Proposed Rule Stage**

Health and Human Services, Public Health Service, 5600 Fishers Lane, Rockville, MD 20857, 301 443-1034

RIN: 0905–AC86

706. ● HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: PERFORMANCE STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 216; 42 USC 294 to 294 l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the HEAL program to establish performance standards against which school, lender, and holder default rates would be measured. These standards would provide schools, lenders, and holders a greater incentive to work to maintain low HEAL default rates and, thus, improve the long-term solvency of the Student Loan Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	01/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peggy Washburn, Chief, Program Development Branch, DSA, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Parklawn Building, Rockville, MD 20857, 301 443-4540

RIN: 0905–AC87

707. ● NATIONAL DATA BANK FOR ADVERSE INFORMATION ON HEALTH CARE PRACTITIONERS AND PROVIDERS (SECTION 5 AMENDMENTS)

Significance: Regulatory Program

Legal Authority: 42 USC 11101 to 11152; 42 USC 1396 r-2

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This proposed rule would amend existing regulations governing the National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners to implement section 5 of the Medicare and Medicaid Patient and Program Protection Act of 1987. This provision requires States to report to the Secretary of HHS certain adverse licensure actions taken against health care practitioners and health care entities.

Timetable:

Action	Date	FR Cite
NPRM	08/14/89	
Final Action	01/15/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D., Director, Office of Quality Assurance, Bureau of Health Professions, Department of Health and Human Services, Health Resources and Services Administration, Room 8-15, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-2300

RIN: 0905–AC88

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) **Final Rule Stage**

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

708. HEALTH EDUCATION ASSISTANCE LOAN (HEAL) PROGRAM: IMPLEMENTATION OF PUB. L. 99-129 (ALLIED HEALTH)

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Legal Deadline: None

Abstract: This rule implements provisions of the Health Professions Training Assistance Act of 1985 (Pub. L. 99-129).

Timetable:

Action	Date	FR Cite
NPRM	11/07/88	53 FR 44913
NPRM Comment Period End	01/06/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn, Chief, Program Devel. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8-48, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-4540

RIN: 0905–AC28

709. GRANTS FOR NURSE PRACTITIONER AND NURSE MIDWIFERY TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Legal Deadline: None

Abstract: These proposed regulations would implement the provisions of the Nurse Education Amendments of 1985 (Pub. L. 99-92), add debt management provisions of the Debt Collection Act of 1982 (Pub. L. 97-365), and incorporate technical amendments to the existing regulations made by Pub. L. 100-607, Title VII of the Nursing Shortage Reduction and Education Extension Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16158
NPRM Comment Period End	07/05/88	
Final Action	07/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jo Eleanor Elliott, R.N., M.A., Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 5C-26, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-5786

RIN: 0905–AC30

710. NATIONAL PRACTITIONER DATA BANK FOR ADVERSE INFORMATION ON PHYSICIANS AND OTHER HEALTH CARE PRACTITIONERS

Significance: Regulatory Program

Legal Authority: 42 USC 11136; 42 USC 11137

CFR Citation: 45 CFR 60

Legal Deadline: None

Abstract: This rule proposes to implement the Health Care Quality Improvement Act of 1986, Title IV of PL 99-660, specifically related to section 426 for the disclosure and correction of information and section 427(b) for confidentiality of information .

Timetable:

Action	Date	FR Cite
NPRM	03/21/88	53 FR 9260
NPRM Comment Period End	05/20/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel D. Cowell, M.D., Director, Office of Quality Assurance, Bureau of Health Professions, Department of Health and Human Services, Public Health Service, Room 8-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-2300**

RIN: 0905–AC51

711. NATIONAL HEALTH SERVICE CORPS, STATE LOAN REPAYMENT AND SPECIAL REPAYMENT PROGRAMS

Significance: Regulatory Program

Legal Authority: PL 100-177

CFR Citation: 42 CFR 62.21 to 62.27; 42 CFR 62.51 to 62.56; 42 CFR 62.71 to 62.76

Legal Deadline: Final, Statutory, May 28, 1988.

Abstract: The National Health Service Corps Amendments of 1987, PL 100-177 amends the Public Health Service Act adding a new section at 338B of the Act authorizing the Secretary to establish the NHSC Loan Repayment Program. PL 100-177 also amends the PHS Act by adding a new section 338H authorizing the Secretary to establish a program of matching grants to support state loan repayment programs similar to the Federal Loan Repayment Program. PL 100- 177 also establishes a new program which is not part of the PHS Act which provides a time limited opportunity for persons in default of their scholarship obligation as of November 1, 1987 to repay these obligations through service or through a combination of service and monetary payment. The publication of the regulations beyond the statutory date will not have any impact on the funding or implementation of the programs affected by these regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/03/89	54 FR 13458
Interim Final Rule Comment Period End	06/02/89	54 FR 13458
Final Action	03/30/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams, Director, Program and Policy, Development, BHCDA, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 7A08, Rockville, MD 20857, **301 443-1034**

RIN: 0905–AC65

712. GRANTS FOR FACULTY TRAINING PROJECTS IN GERIATRIC MEDICINE AND DENTISTRY

Legal Authority: 42 USC 216; 42 USC 295g-8

CFR Citation: 42 CFR 57, (proposed Subpart PP)

Legal Deadline: None

Abstract: These proposed rules would govern grants made to schools of medicine, schools of osteopathy, teaching hospitals and graduate medical education programs for the purpose of providing support, including traineeships and fellowships, for geriatric medicine training projects to train physicians and dentists who plan to teach geriatric medicine or geriatric dentistry, in accordance with PL 100-177, the Public Health Amendments of 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44496
NPRM Comment Period End	01/03/89	
Final Action	07/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Public Health Service, Room 4c-25 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6190**

RIN: 0905–AC71

713. GRANTS FOR CENTERS FOR EXCELLENCE

Legal Authority: 42 USC 295g-8a

CFR Citation: 42 CFR 57, (proposed Subpart V)

Legal Deadline: None

Abstract: This NPRM proposes to establish regulations for Grants for Centers for Excellence, authorized by section 788A of the Public Health Service Act, to make grants to health professions schools to assist such schools in supporting programs of excellence in health professions education for minority individuals.

Timetable:

Action	Date	FR Cite
NPRM	12/09/88	53 FR 49690
NPRM Comment Period End	02/07/89	
Final Action	07/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Clay E. Simpson, Jr.,Ph.D., Director, Division of Disadvantaged, Assistance, BHPr, Department of Health and Human Services, Health Resources and Services Administration, Room 8A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, **301 443-2100**

RIN: 0905–AC77

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

714. GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE AND/OR GENERAL PEDIATRICS

CFR Citation: 42 CFR 57, Subpart FF

Completed:

Reason	Date	FR Cite
Final Action	12/15/88	53 FR 50407
Final Action Effective	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Weaver, M.D. 301 443-6190

RIN: 0905–AB50

715. NURSING STUDENT LOAN (NSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-92)

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 46552
Correction Notice 12/09/88 53 FR 49824		
Final Action Effective	11/17/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905–AC31

716. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM: IMPLEMENTATION OF THE LAW (PUB. L. 99-129)

CFR Citation: 42 CFR 57, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 46546
Correction Notice 12/09/8853FR 49824		
Final Action Effective	11/17/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905–AC32

717. GRANTS FOR HEALTH PROFESSIONS PROJECTS IN GERIATRICS

CFR Citation: 42 CFR 57, (proposed Subpart 00)

Completed:

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 5615
Final Action Effective	02/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas L. Louden, D.D.S. 301 443-6853

RIN: 0905–AC33

718. GRANTS FOR COMMUNITY HEALTH SERVICES: CRITERIA AND PROCEDURE FOR DETERMINING MEDICALLY UNDERSERVED POPULATIONS (MUP)

CFR Citation: 42 CFR 51c

Completed:

Reason	Date	FR Cite
Withdrawn This regulation is being combined with AC85	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams 301 443-1034

RIN: 0905–AC35

719. HEALTH MANPOWER SHORTAGE AREA DESIGNATION CRITERIA FOR CORRECTIONAL FACILITIES

CFR Citation: 42 CFR 5

Completed:

Reason	Date	FR Cite
Final Action	03/02/89	54 FR 8735
Final Action Effective	03/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rhoda Abrams 301 443-1034

RIN: 0905–AC50

720. HEALTH EDUCATION ASSISTANCE LOAN (HEAL): LITIGATION

CFR Citation: 42 CFR 60

Completed:

Reason	Date	FR Cite
Withdrawn Superseded by Pub. L. 100-607. New action to follow	01/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Peggy Washburn 301 443-4540

RIN: 0905–AC69

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Proposed Rule Stage

Public Health Service (PHS)—Indian Health Service (IHS)

721. ● INDIAN HEALTH SERVICE LOAN REPAYMENT PROGRAM REGULATIONS

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1938, authorized a program in which health professionals would have their health professions education loans repayed in amounts up to a maximum of $25,000 per year in exchange for service in an Indian health program. The Secretary is directed to implement some provisions by regulations, i.e., waiver provision.

HHS—PHS—IHS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
NPRM Comment Period End	11/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell Pratt, Chief, Manpower Support Branch, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 9A22, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-4243

RIN: 0905–AC96

722. ● INDIAN HEALTH CATASTROPHIC HEALTH EMERGENCY FUND PROGRAM

Legal Authority: PL 100-713

CFR Citation: 42 CFR 36

Legal Deadline: None

Abstract: Public Law 100-713, enacted November 23, 1988, authorized a new program establishing a catastrophic health emergency fund. The Secretary is directed to establish the program by regulations consistent with provisions of the Law including a definition of a catastrophic disease.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div. of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm 6A20, Parklawn Bldg., 5600 Fishers Lave, Rockville, MD 20857, 301 443-1116

RIN: 0905–AC97

723. ● REVISION OF INDIAN SELF-DETERMINATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 450; PL 100-202; PL 100-446; PL 100-472; PL 100-581

CFR Citation: 42 CFR 36; 48 CFR 380.4; 48 CFR 352.280-4

Legal Deadline: NPRM, Statutory, May 5, 1989. Final, Statutory, August 5, 1989.

Abstract: Public Law 93-638 passed in 1975, requires the IHS to turn over administrative responsibility to tribes so requesting, using the mechanism of contracting. Public Law 93-638 also authorizes the IHS to make grants to tribe(s) for the planning, development, and/or operations of health programs. Public Law 100-472, enacted October 5, 1988, significantly expands the scope of programs covered beyond those administered by IHS. This Act further provided that all contracting requirements be contained in regulations promulgated in final within ten months of enactment. The Law provides for tribal consultation and participation in the development of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/03/89	
NPRM Comment Period End	09/03/89	
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard J. McCloskey, Dir., Div., of Legislation and Regulations, Indian Health Service, Department of Health and Human Services, Public Health Service, Rm. 6A20, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857, 301 443-1116

RIN: 0905–AC98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Public Health Service (PHS)—National Institutes of Health (NIH) **Proposed Rule Stage**

724. CHANGES IN NIH PROGRAM REGULATIONS DUE TO P.L. 99-158,P.L. 99-499 AND TITLE X OF P.L. 99-660

Legal Authority: PL 99-158, Sec 2; PL 99-499, Sec 126; PL 99-499, Sec 209; PL 99-660, Title X

CFR Citation: 42 CFR 4; 42 CFR 52 to 52h; 42 CFR 59a; 42 CFR 64; 42 CFR 66

Legal Deadline: None

Abstract: The regulations of the National Institutes of Health will be revised to show changed section numbers in the PHS Act and reflect program changes under the Health Research Extension Act of 1985 (P.L. 99-158), the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499), and the provisions of Title X of P.L. 99-660 concerning Alzheimer's Disease and Related Dementias Research.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, 301 496-4606

RIN: 0905–AC02

725. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR PART 52A

Legal Authority: 42 USC 216; 42 USC 285a-3; 42 USC 285b-4; 42 USC 285c-5; 42 USC 285d-6; 42 USC 285e-2

CFR Citation: 42 CFR 52a

Legal Deadline: None

Abstract: The NIH Center Grants Regulations will be revised to incorporate changes necessitated by the Health Research Extension Act of 1985 (P.L. 99-158).

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

HHS—PHS—NIH — Proposed Rule Stage

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, 9000 Rockville Pike, 31/3B07, Bethesda, MD 20892, **301 496-4606**

RIN: 0905–AC27

726. ● VOLUNTEER SERVICES AT THE NATIONAL INSTITUTES OF HEALTH

Legal Authority: 42 USC 282(b)(10); 42 USC 284(b)(1)(k)

CFR Citation: 45 CFR 57A

Legal Deadline: None

Abstract: Sections 402 and 405 of the PHS Act authorize the Secretary, HHS, acting through the Director, NIH, and the Directors of the NIH's Institutes, to accept the uncompensated services of volunteers in carrying out the functions of the NIH. These regulations would describe the process for accepting volunteered service and for benefits and limitations on those who volunteer.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John D. Mahoney, Associate Director for Administration, NIH, Department of Health and Human Services, Public Health Service, NIH, Bldg. 1, Rm. 136, 9000 Rockville Pike, Bethesda, MD 20205, **301 496-4466**

RIN: 0905–AC95

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Final Rule Stage
Public Health Service (PHS)—National Institutes of Health (NIH)

727. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 286; 42 USC 286b-2; 42 USC 286b-3; 42 USC 286b-5; 42 USC 286b-6; 42 USC 284

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Legal Deadline: None

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be revised to reflect authority in section 405, PHS Act. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20894, **301 496-6491**

RIN: 0905–AA66

728. MISCONDUCT IN SCIENCE

Significance: Regulatory Program

Legal Authority: 42 USC 241; 42 USC 289b

CFR Citation: 42 CFR 50

Legal Deadline: None

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Section 493 of the PHS Act requires that the HHS Secretary issue regulations.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/88	53 FR 36344
NPRM	09/19/88	53 FR 36347
ANPRM Comment Period End	11/18/88	
NPRM Comment Period End	11/18/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George J. Galasso, Ph.D., Associate Director for Extramural Affairs, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm. 111, 9000 Rockville Pike, Bethesda, MD 20892, **301 496-5356**

RIN: 0905–AB91

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Proposed Rule Stage

729. ADMINISTRATIVE APPEALS PROCESS FOR PROVIDER PAYMENT DISPUTES INCLUDING AMENDING COST REPORTS & REOPENING INTERMEDIARY PAYMENT DETERMINATIONS & ADMINISTRATIVE REVIEW DECISIONS

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453; 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887; 42 CFR 405.1803; 42 CFR 405.1811(a); 42 CFR 405.1813; 42 CFR 405.1837; 42 CFR 405.1841; 42 CFR 405.1863; 42 CFR 405.1877; 42 CFR 405.1889; 42 CFR 412.72(b)

Legal Deadline: None

Abstract: This proposal would clarify and establish rules governing the administrative appeals process for providing appeals of payment disputes including rules distinguishing between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4472**

RIN: 0938–AA33

730. MEDICAID ELIGIBILITY AND COVERAGE REQUIREMENTS

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(a)(17); 42 USC 1396b(f)(1); 42 USC 1396d(a)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This regulation would amend the regulations for coverage of certain groups of individuals under Medicare and the requirements for determining Medicaid eligibility. The amendments would implement or conform the regulations to various statutes, including the Tax Equity and Fiscal Responsibility Act of 1982, the Omnibus Budget Reconciliation Act of 1987 and the Medicare Catastrophic Coverage Act of 1988. The amendments would also make some administrative changes to clarify policy and enhance the efficient operation of the Medicaid program (for example, clarification of policy on establishing the medically needy income level for one person).

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AA58

731. DEDUCTION OF INCURRED MEDICAL EXPENSES (SPENDDOWN)

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(10); 42 USC 1396a(a)(17)

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.831

Legal Deadline: None

Abstract: These regulations will permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period End	11/01/83	
Developing detailed study of issues	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Marinos Svolos, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AB07

732. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Legal Authority: 42 USC 1395l(a)(1)(D); 42 USC 1395l(a)(2)(D); 42 USC 1395l(b)(3); 42 USC 1395l(h); 42 USC 1395cc(a)(2)(A); 42 USC 1396b(i)(7); PL 100-203, Sec 4064

CFR Citation: 42 CFR 405.439; 42 CFR 405.501; 42 CFR 405.502; 42 CFR 405.505; 42 CFR 405.511; 42 CFR 405.516; 42 CFR 405.1672; 42 CFR 405.1675; 42 CFR 405.1684; 42 CFR 431.54; 42 CFR 447.10; 42 CFR 447.300; 42 CFR 447.321; 42 CFR 447.342

Legal Deadline: None

Abstract: These regulations would implement provisions of Pub.L. 98-369, 99-272, 99-509 and 100-203 regarding payment and "assignment" for diagnostic clinical laboratory tests, establishing in regulations the methods for implementing fee schedules. This rule would set forth the methods by which the fee schedules would be updated and would allow certain adjustment or exceptions to the fee schedules. In accordance with the statute, the regulations would provide that on January 1, 1990 and thereafter, fees will be determined on a nationwide basis.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AB50

733. PAYMENT FOR THE SERVICES OF PHYSICIANS FURNISHED IN TEACHING SETTINGS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395xx; 42 USC 1302; 42 USC 1395l(a)(2); 42 USC 1395hh; 42 USC 1395x(b); 42 USC 1395x(v)(1)(C); 42 USC 1395x(v)(1)(D); 42 USC 1395k(a)(2)(B)(i); 42 USC 1395u(b)(7)

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.480; 42 CFR 405.481; 42 CFR 405.482; 42 CFR 405.522; 42 CFR 405.523; 42 CFR 405.524; 42 CFR 405.525; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.552; 42 CFR 405.553; 42 CFR 405.554; 42 CFR 405.555; ...

Legal Deadline: None

Abstract: These regulations will implement provisions of section 948 of P.L. 96-499 and section 2307 of P.L. 98-369. This legislation deals with certain problems that have arisen in the Medicare program with respect to payment for physicians in the teaching setting. Specifically addressed by Congress is the problem of distinguishing between the services a physician furnishes to individual patients as a teaching physician and services furnished to the provider, as well as the method of reimbursement for these services. This rule sets forth the conditions under which physicians in teaching settings will be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians. This rule will also clarify related issues of physician reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5946
NPRM Comment Period End	04/10/89	54 FR 5946
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4497

RIN: 0938–AB61

734. HOSPICE/CASE MANAGEMENT

Legal Authority: 42 USC 1396d(a)(18); 42 USC 1396d(o); 42 USC 1396b(a)(13)(C); 42 USC 1396o(a)(2)(E); 42 USC 1302; 42 USC 1396n(g)

CFR Citation: 42 CFR 418.32; 42 CFR 431.50; 42 CFR 435.218; 42 CFR 435.231; 42 CFR 440.185; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441; 42 CFR 447.53; 42 CFR 447.327; 42 CFR 447.381 to 384; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.231; 42 CFR 441.18; ...

Legal Deadline: None

Abstract: These regulations would implement 3 provisions of Pub. L. 99-272: (1) under section 9505, Medicaid coverage of hospice care at State option, the regulations would establish eligibility requirements, covered services, reimbursement procedures and conditions of participation; (2) under section 9508, Medicaid coverage of case management services, at State option case management services may be furnished to specific Medicaid groups or geographic areas within a State; (3) under section 9123 there is an indefinite extension of the Medicare hospice benefit, which was scheduled to end on 09/30/86. These regulations would also implement sections 9411, 9412, and 9435d of Pub. L. 99-509, and section 1895(c) of Pub. L. 99-514, all relating to optional State coverage of case management and hospice services for the Medicaid population.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4607

RIN: 0938–AC52

735. REVISED EFFECTIVE DATE OF MEDICARE/MEDICAID PROVIDER AGREEMENT AND SUPPLIER PARTICIPATION

Legal Authority: 42 USC 1302; 42 USC 1395cc; 42 USC 1393ff(c); 42 USC 1395hh; 42 USC 1396i

CFR Citation: 42 CFR 440.10; 42 CFR 440.70; 42 CFR 442.13; 42 CFR 488.11; 42 CFR 489.13; 42 CFR 498.3

Legal Deadline: None

Abstract: This proposed rule would establish uniform rules for determining the effective date of participation for all Medicare and Medicaid providers and suppliers. It would also specify that those dissatisfied with a decision on their effective date of participation under Medicare are entitled to a Medicare reconsideration and hearing on the decisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Alfreda Stanton, Program Analyst, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301 966-6770

RIN: 0938–AC88

736. PRO REVIEW OF SURGICAL PROCEDURES AND REQUIREMENTS FOR SECOND OPINIONS

Legal Authority: 42 USC 1320c-13; 42 USC 1302; 42 USC 1395hh; 42 USC 1395pp

CFR Citation: 42 CFR 466.150 to 190; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 405.332

Legal Deadline: None

Abstract: This proposed rule would implement section 9401 of Pub.L. 99-272, which provides that, under Medicare, a physician must request from the Peer Review Organization (PRO) preadmission review for certain surgical procedures. Under section 9401, if the PRO determines that the procedure is not appropriate and medically necessary, the PRO will deny payment under Medicare. If the PRO cannot determine whether a surgical procedure is medically necessary and appropriate, the beneficiary would obtain an opinion from a second physician, or where the opinion of the second physician differs from the first physician, the beneficiary may obtain an opinion from a third

physician. In addition, as required by section 4096(b) of Pub. L.100-203, if an assigned claim by a physician or supplier or any claim by a provider is denied because the services furnished are not reasonable and necessary or constitute custodial care and the physician, suppler or provider, but not the beneficiary, knew, or reasonably could be expected to know, that the services were not covered by Medicare, (Continued under Additional Information)

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: (Abstract Continued): the physician, supplier or provider would not be entitled to collect and retain payment from the beneficiary for those services.

Agency Contact: Richard Husk, Director, Office of Medical Review, Department of Health and Human Services, Health Care Financing Administration, Room 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6850**

RIN: 0938–AC90

737. PAYMENT FOR THE COST OF MALPRACTICE INSURANCE FOR HOSPITALS EXCLUDED FROM THE PROSPECTIVE PAYMENT SYSTEM

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395x(v)(1)(A)

CFR Citation: 42 CFR 413.56

Legal Deadline: None

Abstract: Medicare's share of payment for the cost of a hospital's malpractice insurance is determined in part through the use of a scaling factor formula. In this notice, we are undertaking to develop a separate set of values for use in the scaling factor formula for hospitals excluded from the prospective payment system.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Trimble, Special Assistant, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4509**

RIN: 0938–AC97

738. CHANGES CONCERNING THE DEFINITION OF ACCRUAL BASIS OF ACCOUNTING

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to revise the Medicare regulations to clarify the definition of "accrual basis of accounting" to indicate that expenses must be incurred by provider of health care services before Medicare will pay its share of those expenses. This change is intended to conform the regulations with the law and to promote economy and efficiency in the administration of the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD01

739. OPTIONAL PAYMENT SYSTEM FOR LOW MEDICARE VOLUME SKILLED NURSING FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395yy(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.200; 42 CFR 413.202; 42 CFR 413.204; 42 CFR 413.208; 42 CFR 413.210; 42 CFR 413.212; 42 CFR 413.214; 42 CFR 413.216; 42 CFR 413.220; 42 CFR 413.221; 42 CFR 413.1; 42 CFR 413.24

Legal Deadline: None

Abstract: This rule proposes to establish optional prospective payment rates for routine services furnished by certain skilled nursing facilities. The prospective rate would be on a per diem basis and would include payment for the cost of furnishing general inpatient routine services and associated capital-related costs. Ancillary services will be paid on the basis of reasonable cost. As specified in the Conference Committee Report accompanying PL 99-272, the rates paid to proprietary SNFs would include a component for the routine service portion of the return on equity capital. As specified in section 1861(v)(1)(B) of the Act, the return on equity component would only be included in the rate paid to proprietary SNFs. This rule would propose instructions for determining eligibility for payment under this system, and the methodology for calculating the prospective payment rates. Freestanding SNFs electing to be paid under this prospective payment system may file a simplified cost report.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD02

740. RECOGNITION OF JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS' HOME CARE PROGRAM STANDARDS AND THE NATIONAL LEAGUE FOR NURSING'S STANDARDS FOR HOME HEALTH AGENCIES

Legal Authority: 42 USC 1395bb(a); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Under this final notice, hospital-based home health agencies accredited by the Joint Commission on Accreditation for Healthcare Organizations' and home health agencies accredited by the National

League for Nursing are considered or "deemed" to meet the Medicare conditions of participation. Thus, these agencies will not ordinarily be subject to an inspection by State survey agencies to determine their compliance with Federal requirements. As a result of the home health agency's deemed status, a State also can choose to permit the agency to participate as a provider under the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	12/31/87	52 FR 49510
Public Comment Period End	02/29/88	52 FR 49510
Final Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Anita Heygster, Program Analyst, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 431 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5667**

RIN: 0938–AD13

741. MEDICAID: ELIGIBILITY GROUPS, EXTENDED COVERAGE OF SERVICES, AND CONDITIONS OF ELIGIBILITY: OBRA '87, COBRA, AND TEFRA

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1302; 42 USC 1396d(a); 42 USC 1396k(a); 42 USC 1396s; 42 USC 1383c; 42 USC 673; 42 USC 675; 42 USC 672; 42 USC 1396a(a)(25)(B); 42 USC 1396a(e)(3)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: This rule will amend the Medicaid regulations to incorporate numerous eligibility groups for Medicaid coverage: pregnant women; children in adoption and foster care; certain disabled widows and widowers; certain disabled children being cared for at home; and qualified children. The rule will also provide for extended care for pregnant women after termination of pregnancy and add a condition of eligibility relating to third party liability. The amendments will conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1987, the Consolidated Omnibus Budget Reconciliation Act of 1985, and the Tax Equity and Fiscal Responsibility Act of 1982. States have been informed that these provisions of the statute are self-implementing. Manual instructions containing procedures for States to implement the requirements have been issued.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7798
NPRM Comment Period End	04/24/89	54 FR 7798
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD16

742. MEDICAID ELIGIBILITY OF POVERTY LEVEL GROUPS AND EXTENDED COVERAGE OF SERVICES

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396a(l); 42 USC 1396a(f); 42 USC 1396a(b)(2); 42 USC 1302; 42 USC 1396a(m); 42 USC 1396a(c); 42 USC 1396b(f); 42 USC 1396b(u); 42 USC 1396r-1; 42 USC 1396a(a)(47); 42 USC 1396a(e)(6); 42 USC 1396a(e)(7); 42 USC 1396a(a)(17); 42 USC 1396a(c)(7)

CFR Citation: 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; 42 CFR 447

Legal Deadline: None

Abstract: This proposed rule would amend the Medicaid regulations to incorporate changes relating to Medicaid eligibility groups and coverage of services made by the Medicare Catastrophic Coverage Act (P.L. 100-360), the Omnibus Budget Reconciliation Acts of 1987 and 1986,(P.L. 100-203 and P.L. 99-509), and the Homeless Eligibility Clarification Act of the Anti-Drug Abuse Act of 1986 (P.L. 99-570). This rule would add eligibility groups of pregnant women, infants and children, and aged and disabled individuals with incomes up to a specified percentage of the Federal poverty line; clarify eligibility of homeless individuals; add provisions for a presumptive eligibility period for pregnant women who, based on preliminary information, appear to meet income requirements under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4452**

RIN: 0938–AD17

743. TRANSFER OF ASSETS

Legal Authority: 42 USC 1302; 42 USC 1396p(c)

CFR Citation: 42 CFR 435; 42 CFR 436

Legal Deadline: None

Abstract: These regulations would conform the Medicaid regulations with the provisions of section 303(b) of Pub.L. 100-360, which requires under certain circumstances that State Medicaid agencies, in determining an individual's eligibility for Medicaid coverage of long term care or home and community-based services, include as a resource the uncompensated value of assets such as cash or property that the individual has transferred to someone else for less than fair market value for a period up to 30 months, and the transfer was made at any time during or after the 30 month period immediately before (1) the date the individual become institutionalized (if he/she is entitled to Medicaid on that date) or (2) if not, the date he/she applies for Medicaid while institutionalized.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High

Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD18

744. DISCONTINUATION OF PREVAILING CHARGE DIFFERENTIALS FOR SPECIALISTS

Legal Authority: 42 USC 1395u(b)(3); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.504(b)

Legal Deadline: None

Abstract: We are proposing discontinuing the establishment of separate prevailing charge screens for physicians' services based on specialty practice.

Timetable:

Action	Date	FR Cite
Notice of Request For Comments	04/12/88	53 FR 12037
Comment period ends	06/13/88	53 FR 12037
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Rm. 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4497**

RIN: 0938–AD26

745. MEDICARE COVERAGE OF OUTPATIENT OCCUPATIONAL THERAPY SERVICES, VISION CARE AND SERVICES FURNISHED BY PHYSICIAN ASSISTANTS

Legal Authority: 42 USC 1302; 42 USC 1395x(g); 42 USC 1395k(a)(2)(C); 42 USC 1395l(a); 42 USC 1395n(a)(2)(C); 42 USC 1395x(r); 42 USC 1395x(s)(K); 42 USC 1395x(cc); 42 USC 1395hh; 42 USC 1395l(h); 42 USC 1395u(b)(12)

CFR Citation: 42 CFR 400.202; 42 CFR 405.1230; 42 CFR 410; 42 CFR 424; 42 CFR 483; 42 CFR 486; 42 CFR 489.2

Legal Deadline: None

Abstract: This proposed rule would implement sections 9337 and 9338 of Pub.L 99-509 which provide Medicare coverage for outpatient occupational therapy services furnished by providers and independent practitioners, identical to the coverage for outpatient physical therapy, and for physician assistant services. It also would implement section 9336 of P.L. 99-509 which includes in the definition of "physician", a doctor of optometry with respect to all services the optometrist is authorized to provide by the State in which he or she provides them.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sheridan Gladhill, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Rm. 403, EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4605**

RIN: 0938–AD32

746. STATE SHARE OF FINANCIAL PARTICIPATION

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 433

Legal Deadline: None

Abstract: This rule revises the current policy concerning State's use of donations and certain taxes in determining the State share of Federal financial participation in Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Tzvi Heftner, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 1-A-3, ELR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4580**

RIN: 0938–AD36

747. PRO DISCLOSURE TO LICENSING AND CERTIFICATION BODIES

Legal Authority: 42 USC 1395hh; 42 USC 1395ww; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 412; 42 CFR 476; 42 CFR 498; 42 CFR 1001

Legal Deadline: None

Abstract: This proposed rule would revise and clarify HCFA's authority with respect to corrective action procedures and procedures for program payment denial against those hospital providers who circumvent the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Husk, Director, Office of Medical Review, Health Standards and Quality Bureau, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-6850**

RIN: 0938–AD42

748. REVISION OF THE MEDICARE ECONOMIC INDEX

Legal Authority: 42 USC 1395u(b)(3)

CFR Citation: 42 CFR 405.504

Legal Deadline: None

Abstract: This proposed rule would establish in regulations the revised proxy measures which we believe have a sounder economic foundation than the current ones and meet the requirements of the statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ross H. Arnett, III, Chief, Economics and Actuarial Analysis Branch, Department of Health and Human Services, Health Care Financing Administration, 1705 Equitable Building Room 100, 6325 Security Blvd, Baltimore, MD 21207, **301 966-7934**

RIN: 0938–AD43

749. SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989

Significance: Agency Priority

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy; 42 USC 1302

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AD48

750. APPLICATION OF THE COMPARABLE SERVICES LIMITATION IN DETERMINING REASONABLE CHARGES

Legal Authority: 42 USC 1395u(b)(3)(B); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.508

Legal Deadline: None

Abstract: This proposed rule would clarify the circumstances under which Medicare carriers are to apply the comparable services limitation in making their determination of a reasonable charge for Medicare Part B services. Under section 1842(b)(3)(B) of the Act, carriers are prohibited from making a determination of a reasonable charge that would be higher than the charge upon which it would base payment to its own policyholders for a comparable service under comparable circumstances. Currently, there is a great deal of confusion among the carriers as to what constitutes comparable services and comparable circumstances, the result of which is that very few carriers are applying the comparable services limitation in their reasonable charge determination. We would revise the regulations to more clearly state how the comparable services limitation should be implemented by the carriers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD50

751. HOME AND COMMUNITY-BASED SERVICES FOR THE ELDERLY

Legal Authority: 42 USC 1396n(d); 42 USC 1302

CFR Citation: 42 CFR 435.3; 42 CFR 435.217; 42 CFR 435.726; 42 CFR 435.735; 42 CFR 436.2; 42 CFR 436.217; 42 CFR 440.190; 42 CFR 440.250; 42 CFR 441.10; 42 CFR 441.350 to 441.357; 42 CFR 441.360; 42 CFR 441.365; 42 CFR 456.1; 42 CFR 456.600 to 456.603; 42 CFR 456.605 to 456.611

Legal Deadline: Final, Statutory, October 1, 1989.
Regulation must be promulgated containing methodology. Section 1914(d)(5)(B)(iii)

Abstract: This regulation would implement section 1915(d) of the Act. These rules would allow a State to provide skilled nursing facility (SNF), intermediate care facility (ICF), and home and community-based services to individuals 65 years of age and older, in exchange for a "cap" on the amount of money for which Medicaid Federal financial participation would be available. The program would be administered by means of waivers which a State could request. As currently constructed, the statute allows for waivers of statewideness, comparability, and income deeming. Home and community-based services could be made available to individuals age 65 or older who are shown by an evaluation to be likely to require the level of care provided in an SNF or ICF, the cost for which could be paid by Medicaid. For States electing this option, the waiver would replace the home and community-based services waivers available under section 1915(c) of the Act, for individuals in this age category.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of, Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR ., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AD55

752. REVISIONS TO THE FREEDOM OF INFORMATION REGULATIONS

Legal Authority: 42 USC 1306; 5 USC 552; 42 USC 1302; PL 99-570; EO 12600

CFR Citation: 42 CFR 401.101 to 401.104; 42 CFR 401.110 to 401.112; 42 CFR 401.120 to 401.125; 42 CFR 401.130 to 401.138; 42 CFR 401.140 to 401.145; 42 CFR 401.150 to 401.154

Legal Deadline: None

Abstract: This rule proposes changes to the regulations implementing the Freedom of Information Act. The regulations would be revised on HCFA's experience with the FOIA in administering the Medicare and Medicaid programs. This proposed rule would also conform HCFA's FOIA regulations to regulations recently published by DHHS, as well as to guidance issued by the Office of Management and Budget and the Department of Justice to implement Presidential Executive Order 12600, and to the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rosario Cirrincione, Chief, Freedom of Information Branch, Department of Health and Human Services, Health Care Financing Administration, Room 100 Professional Bldg., 6660 Security Blvd., Baltimore, MD 21207, **301 966-5352**

RIN: 0938–AD60

753. CHARGES TO RESIDENTS' FUNDS IN NURSING HOMES

Legal Authority: 42 USC 1395i-3(f)(7); 42 USC 1395hh; 42 USC 1396v(f)(7)

CFR Citation: 42 CFR 405; 42 CFR 442

Legal Deadline: Final, Statutory, July 1, 1988.

Abstract: This proposed rule would define those costs which may be charged to the personal funds of Medicare and Medicaid patients in nursing facilities and the costs which are to be included in the payment amount for nursing facility services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 429 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4620**

RIN: 0938–AD66

754. PRE-ADMISSION REVIEW AND AUTHORIZATION OUTPATIENT SURGERY, PRE-ADMISSION DIAGNOSTIC TESTING AND SAME DAY SURGERY UNDER MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30(A)

CFR Citation: 42 CFR 431

Legal Deadline: None

Abstract: This proposed rule would amend current Medicaid rules to require that State Medicaid plans include programs requiring pre-admission review and approval for selected surgical procedures and medical treatment; identify surgical procedures that can be safely performed on an ambulatory basis; require diagnostic testing prior to admission; and schedule hospital admission on the same day as surgery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4646**

RIN: 0938–AD70

755. CHANGES TO THE REASONABLE COST REGULATION CONCERNING INVESTMENT INCOME

Legal Authority: 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.153; 42 CFR 413.17; 42 CFR 413.130

Legal Deadline: None

Abstract: This rule proposes to revise 42 CFR 413.153(b)(2), which requires that "necessary interest" be offset by investment income. Rather than to offset interest expense by investment income, we propose to reduce (dollar for dollar) allowable debt principal related to patient care by the principal amount of investment funds generated from operations related to patient care and subsequently invested in nonpatient care activities or in another provider's patient care activities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD72

756. MEDICARE SECONDARY PAYER FOR DISABLED ACTIVE INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 411

Legal Deadline: None

Abstract: These rules would establish limitations on Medicare payment for services furnished to disabled "active individuals" who are also covered under a large group health plan (LGHP), and prohibit discrimination by an LGHP against such individuals.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Room 323, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4474**

RIN: 0938–AD73

757. CLARIFICATION OF DURABLE MEDICAL EQUIPMENT COVERAGE UNDER MEDICARE

Legal Authority: 42 USC 1395x(s)(6) and (n); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations would codify longstanding policies that concern the coverage, limitations, and exclusions applicable to durable medical equipment (DME). It would describe how all items of DME must be ordered by a physician and explain the requirements necessary for an item to be considered durable.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical, Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325

Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AD77

758. MEDICARE COVERAGE OF HOME HEALTH SERVICES, MEDICARE CONDITIONS OF PARTICIPATION AND HOME AIDE SUPERVISION AND DISCHARGE PLANNING

Legal Authority: 42 USC 1302; 42 USC 1395x(m) and (o); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 418

Legal Deadline: None

Abstract: This proposed rule would establish home health aid supervision and duty requirements applicable to all HHA's that provide services under Medicare. In addition, these regulations would codify longstanding policies that concern the limitations and exclusions applicable to home health services under Medicare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Room 405 EHR, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD78

759. PREPAID HEALTH CARE PLANS: BENEFICIARY AND OTHER RELATED PROVISIONS

Legal Authority: 42 USC 1395mm; 42 USC 1302; 42 USC 1395hh; 42 USC 1395l(a)(1)(A)

CFR Citation: 42 CFR 405; 42 CFR 417; 42 CFR 482

Legal Deadline: None

Abstract: This proposed rule would make a number of changes to the regulations governing health maintenance organizations, competitive medical plans, and health care prepayment plans that furnish Medicare covered services to Medicare beneficiaries. These proposed changes relate to the provision of services, beneficiary and plan rights and liabilities, and contracts. Most of the changes would clarify or establish policy in areas in which operational experiences have demonstrated a need for revision. Several of the changes would implement provisions of the Omnibus Budget Reconciliation Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joan Mahanes, Program Analyst, Div of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4642**

RIN: 0938–AD79

760. PROHIBITION OF FFP FOR EDUCATIONAL AND VOCATIONAL TRAINING FOR INSTITUTIONALIZED INDIVIDUALS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(17)(B); 42 USC 1396a(a)(25); 42 USC 1396b(c)

CFR Citation: 42 CFR 441

Legal Deadline: None

Abstract: This proposed rule would reflect the court decision precluding the Department from using a child's individualized education program rather than the nature of services provided, to determine whether or not services provided to ICF/MR residents are reimbursable under Medicaid and the language in the Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Samuel W. Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, 428 EHR, 6325 Security Boulevard, Baltimore, Maryland, **301 966-4620**

RIN: 0938–AD80

761. OBRA '87 LONG TERM CARE FACILITIES CONDITIONS OF PARTICIPATION

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4201; 42 USC 1396r; PL 100-203, Sec 4211; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 483

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), PL 100-203, which long term care facilities would be required to meet to participate in the Medicare and Medicaid programs effective October 1, l990.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Samuel Kidder, Chief, Long Term Care Branch, Department of Health and Human Services, Health Care Financing Administration, Room 300, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4620**

RIN: 0938–AD81

762. MEDIGAP POLICY STANDARDS - DIRECT TRANSMITTAL OF CLAIMS FROM MEDICARE CARRIERS TO MEDIGAP INSURERS AND RELATED USER FEES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk(a); 42 USC 1395ss

CFR Citation: 42 CFR 403.200; 42 CFR 403.206; 42 CFR 403.210; 42 CFR 403.216 to 403.218; 42 CFR 403.220; 42 CFR 403.222; 42 CFR 403.232; 42 CFR 403.239; 42 CFR 403.250 to 304.258

Legal Deadline: None

Abstract: These proposed regulations would add requirements for the direct transmittal of bills submitted for services to Part B beneficiaries by participating physicians and suppliers from Medicare carriers to Medigap insurers.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas E. Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD82

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763. COVERAGE OF PSYCHOLOGISTS' SERVICES FURNISHED AT RURAL HEALTH CLINICS

Legal Authority: 42 USC 1395x(s)(2)(M); 42 USC 1395x(aa)(1)(B); 42 USC 1302

CFR Citation: 42 CFR 405

Legal Deadline: None

Abstract: This proposed notice would provide a fee schedule for services furnished by a clinical psychologist at a rural health clinic even if not furnished under the supervision of a physician. Medicare payment would be made on an assignment related basis only.

Timetable:

Action	Date	FR Cite
Notice	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Ann Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD84

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764. MEDICARE COVERAGE OF SCREENING MAMMOGRAPHY

Legal Authority: 42 USC 1395x(s)(13) and (kk); 42 USC 1395m(e); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 494

Legal Deadline: None

Abstract: This regulation would implement section 204 of Pub.L. 100-360 by providing coverage and payment standards for screening mammography, information on the frequency of coverage, and certification of quality standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4637**

RIN: 0938–AD88

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765. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395k(a)(2)(A); 42 USC 1395x(jj); 42 USC 1395l; 42 USC 1395m(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would implement section 203 of Pub.L. 100-360. In particular it would define those services which could be covered as home intravenous drug therapy services, would provide payment guidelines and would require that all home intravenous therapy services be reviewed and approved by a Peer Review Organization.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physicians and Other Medical Services, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4638**

RIN: 0938–AD89

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766. IN-HOME CARE FOR CHRONICALLY DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1395x; 42 USC 1395l(a); 42 USC 1395n(a)(2); 42 USC 1395y(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 408; 42 CFR 480

Legal Deadline: None

Abstract: This regulation would implement sections 205(b) through 205(e) of the Medicare Catastrophic Coverage Act of 1988 (Pub L. 100-360). It would define under the Medicare program covered services, eligible persons, payment guidelines, certification guidelines and standards for utilization of services for in-home care of chronically dependent individuals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4607**

RIN: 0938–AD90

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767. COVERAGE OF OUTPATIENT PRESCRIPTION DRUGS

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395k; 42 USC 1395t; 42 USC 1395y(c); 42 USC 1395u(f); 42 USC 1395u(b)(3); 42 USC 1395u(h)(2); 42 USC 1395n; 42 USC 1395ll; 42 USC 1396b(i)(5); 42 USC 1395hh; 42 USC 1320a-7a

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation would implement Sec. 202 of Pub.L. 100-360 which adds outpatient drugs as a covered service under Medicare. This regulation would provide a description of covered outpatient drugs and give specific guidelines on the time period a prescription would be covered.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Director, Div. of Medical Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 489, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4637

RIN: 0938–AD91

768. SNF/NF ENFORCEMENT OF PROVISIONS: MEDICARE AND MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1395aa; 42 USC 1395i-3; PL 100-203, Sec 4202; 42 USC 1396r; PL 100-203, Sec 4212; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 488

Legal Deadline: None

Abstract: This proposed rule would implement provisions of the Omnibus Budget Reconciliation Act of 1987 (OBRA '87), Pub.L. 100-203, which govern the process used by HCFA to survey long-term care facilities, and certify that the facilities meet the conditions of participation for the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6763

RIN: 0938–AD94

769. RECOVERY OF OVERPAYMENTS RESULTING FROM COMPUTATIONAL ERRORS

Legal Authority: 42 USC 1395gg; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.350(a)(2); 42 CFR 405.355(a)

Legal Deadline: None

Abstract: Due to computational errors, some physicians and beneficiaries receive substantial sums of incorrect payments. This proposed rule would clarify situations where being without fault relieves a recipient of the obligation to return incorrect payments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sam Guida, Director, Division of Overpayment Prevention, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-7521

RIN: 0938–AD95

770. GRACE PERIOD AND TERMINATION FOR NON-PAYMENT OF SUPPLEMENTARY MEDICAL INSURANCE (PART B) PREMIUMS FOR INSURED PERSONS

Legal Authority: 42 USC 1395j; 42 USC 1395q; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 408.8; 42 CFR 408.63

Legal Deadline: None

Abstract: Under current rules, individuals who do not pay their Part B premiums will have their coverage terminated after a grace period that allows several months lateness. The grace period for individuals eligible for monthly social security cash payments is different from that of uninsured individuals. This proposed rule would allow a uniform 3-month grace period to treat all individuals identically.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Boerschel, Program Analyst, Bureau of Program Operations, Department of Health and Human Services, Health Care Financing Administration, Room 233, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5941

RIN: 0938–AD97

771. ● DRUG PAYMENT METHODOLOGY

Legal Authority: 42 USC 1395l(a)(1)(M); 42 USC 1395m(c); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 414

Legal Deadline: None

Abstract: Under this proposed rule, Medicare would pay for covered outpatient drugs subject to the catastrophic drug deductible amount. The amounts payable would equal a payment percent of the lesser of the actual charge for a drug or an applicable payment limit for non-multiple source drugs and multiple source drugs with restrictive prescriptions and a payment limit for multiple source drugs without restrictive prescriptions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Janice Flaherty, Chief, Alter. Del. Syst. Reimbur. Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-A-3 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4574

RIN: 0938–AD99

772. ● HOME IV DRUG THERAPY FEE SCHEDULE

Legal Authority: 42 USC 1395m(d); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 414

Legal Deadline: Other, Statutory, January 1, 1990.

Abstract: This proposed rule establishes a fee schedule for home IV drug therapy services under Medicare under which payment would be made on a per diem basis.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Charles Spalding, Chief, Pharma. & Medical Services Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4496**

RIN: 0938–AE00

773. ● CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1990 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 412; 42 CFR 413

Legal Deadline: NPRM, Statutory, May 1, 1989. Final, Statutory, September 1, 1989.

Abstract: This proposed rule makes revisions to the inpatient hospital prospective payment system. It also includes changes in the methods, amounts and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1990.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ed Rees, Acting Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4529**

RIN: 0938–AE02

774. ● WITHDRAWAL OF COVERAGE OF SEAT LIFT CHAIRS

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302

CFR Citation: 42 CFR 405.310(k)

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage for seat lift chairs as durable medical equipment.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE05

775. ● DIAGNOSIS CODES ON PHYSICIAN BILLS

Legal Authority: 42 USC 1395u(p); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 424.3; 42 CFR 424.32; 42 CFR 424.34

Legal Deadline: None

Abstract: We are proposing that each bill or request for payment for a service furnished by a physician under Medicare Part B must include appropriate diagnostic coding for the diagnosis on the nature of the illness or injury for which the Medicare beneficiary received care. This rule would implement certain provisions of section 202(g) of Pub. L. 100-360.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bart McCann, M.D., Special Assistant, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 455 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4628**

RIN: 0938–AE06

776. ● PARTICIPATIONS AGREEMENTS FOR PHARMACIES

Legal Authority: 42 USC 1395(u)(o); 42 USC 1395hh; 42 USC 1302

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This proposed rule would implement those sections of Pub. L. 100-360 that set forth requirements for pharmacies wishing to participate in Medicare as suppliers of covered outpatient drugs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE08

777. ● HOME IV DRUG PROVIDER CONDITIONS OF PARTICIPATION

Legal Authority: 42 USC 1395x(jj)(3); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 485 Subpart C

Legal Deadline: None

Abstract: In order to participate as a home IV drug provider under Medicare an entity must meet a number of specific requirements that are necessary in the interest of the health and safety of beneficiaries who receive home IV drug services.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4636**

RIN: 0938–AE09

778. ● COVERED IV DRUG LIST

Legal Authority: 42 USC 1395x(t)(4); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: This proposed notice announces the home IV drugs that will be covered under Medicare.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Higbee, Chief, Physician and Other Medical Services, Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, 479 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4636

RIN: 0938–AE10

779. ● WITHDRAWAL OF COVERAGE OF EXTRACRANIAL-INTRACRANIAL ARTERIAL BYPASS SURGERY FOR THE TREATMENT OR PREVENTION OF STROKE

Legal Authority: 42 USC 1395y(a)(1); 42 USC 1302

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage of extracranial-intracranial arterial bypass surgery when used to treat or prevent strokes.

Timetable:

Action	Date	FR Cite
Proposed Notice	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Board, Department of Health and Human Services, Health Care Financing Administration, 455 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5316

RIN: 0938–AE11

780. ● PROTECTION OF INCOME AND RESOURCES FOR COMMUNITY SPOUSE

Legal Authority: 42 USC 1032; 42 USC 1396r(s)

CFR Citation: 42 CFR 435.630; 42 CFR 435.632; 42 CFR 435.634; 42 CFR 435.636; 42 CFR 435.638; 42 CFR 435.640; 42 CFR 435.642; 42 CFR 435.644; 42 CFR 435.646; 42 CFR 435.648

Legal Deadline: None

Abstract: These proposed regulations would interpret section 303(a) of the Medicare Catastrophic Coverage Act of 1988, as amended by section 608(d)(16) of the Family Support Act. P.L. 100-485 which allocates incomes and resources between a spouse who is institutionalized and the spouse remaining in the community. The revision would provide the community spouse with more adequate income for meeting living expenses.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility, Policy, Department of Health and Human Services, Health Care Financing Administration, Room 416, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4452

RIN: 0938–AE12

781. ● LIMITATION ON OUT-OF-POCKET COST-SHARING EXPENSES FOR COVERED MEDICARE PART B SERVICES

Legal Authority: 42 USC 1935kk; 42 USC 1395mm; PL 100-360, Sec 201; PL 100-360, Sec 202(b); 42 USC 1302; 42 USC 1395hh; 42 USC 1395l

CFR Citation: 42 CFR 410.110; 42 CFR 410.112; 42 CFR 410.114; 42 CFR 410.2; 42 CFR 410.1; 42 CFR 410.3; 42 CFR 410.150; 42 CFR 410.152; 42 CFR 410.160; 42 CFR 410.161; 42 CFR 410.162; 42 CFR 410.470; 42 CFR 489.21

Legal Deadline: None

Abstract: This proposed rule would establish an annual limit to the amount of costs a Medicare beneficiary shares in under Part B (the Supplemental Medical Insurance Program) beginning January 1, 1990. It also would specify the annual deductible and coinsurance amounts beneficiaries would pay for prescription drugs and insulin when they become covered items in 1990. These changes would implement section 201 and section 202(b) of the Medicare Catastrophic Coverage Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Leslie Warren, Program Analyst, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 349 EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4483

RIN: 0938–AE13

782. ● CRITERIA AND STANDARDS FOR EVALUATING INTERMEDIARIES AND CARRIERS

Legal Authority: 42 USC 1395hh; 42 USC 1395u(b); 42 USC 1302

CFR Citation: 42 CFR 421.120; 42 CFR 421.122; 42 CFR 421.124; 42 CFR 421.201; 42 CFR 421.203

Legal Deadline: None

Abstract: This is a technical revision to Medicare regulations that will simplify and improve our system for evaluating the performance of fiscal intermediaries and carriers in the administration of the Medicare program. Currently, we evaluate intermediaries using performance criteria and standards issued through an annual notice in the Federal Register. We are clarifying the methodology for establishing these criteria and standards. We are also issuing commercial requirements for the evaluation for carrier performance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: John Barton, Chief, Operation Standards Branch, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 1-C-6 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-7403

RIN: 0938–AE15

783. ● MMIS SYSTEM PERFORMANCE REVIEW REVISIONS

Legal Authority: 42 USC 1396b(v); 42 USC 1302

CFR Citation: 42 CFR 433.112; 42 CFR 433.123

Legal Deadline: Final, Statutory, October 7, 1986.
Six months after enactment of Section 9503 of Pub. L. 99-272 (April 7, 1986) for only new TPL standard.

Abstract: This notice will propose revisions to the scoring and format of the system performance review of the Medicaid Management Information System (MMIS); it also proposes a new standard. The purpose of this proposal is to promote the efficiency and effectiveness of the Medicaid program.

Timetable:

Action	Date	FR Cite
Proposed Notice	05/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Frederick Harris, Program Analyst, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Room 273, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 996-5907**

RIN: 0938–AE16

784. ● INSPECTION OF CARE REVIEWS

Legal Authority: 42 USC 1302; 42 USC 1396b(g)

CFR Citation: 42 CFR 456.651; 42 CFR 456.652; 42 CFR 456.654; 42 CFR 456.650

Legal Deadline: None

Abstract: This proposed rule would eliminate the requirement for States to make quarterly showings demonstrating that a State conducted annual onsite inspection of care in skilled nursing facilities or in intermediate care facilities. A quarterly showing to the Secretary of an effective program of medical review as demonstrated by a satisfactory utilization control program would be limited to inspection of care reviews in participating intermediate care facilities for the mentally retarded and mental hospitals. This rule would implement section 4212(d) (1) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elliot Naide, Chief, Utilization Control Branch, Department of Health and Human Services, Health Care Financing Administration, 2-H-1 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-5920**

RIN: 0938–AE17

785. ● HMO FISCAL SOUNDNESS AND GROUP SPECIFIC RATING

Legal Authority: 42 USC 300e(c); 42 USC 300e-1(8)(C)

CFR Citation: 42 CFR 417.104; 42 CFR 417.107

Legal Deadline: None

Abstract: This proposed regulation would set forth the circumstances under which the resources of an organization which owns or controls an HMO would be considered for purposed of fiscal soundness and insolvency protection requirements. It also authorizes HMOs, with certain limitations, to fix their rates for specific groups based on the HMO's revenue requirements for providing services to the group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel, Legal Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Bldg., 330 Independence Avenue, S.W., Washington, D.C. 20201, **202 245-0063**

RIN: 0938–AE24

786. ● HMO ORGANIZATIONAL STRUCTURE AND SERVICES

Legal Authority: 42 USC 300E(a); 42 USC 300e(b)(1); 42 USC 300e(b)(3)(A)

CFR Citation: 42 CFR 417.100; 42 CFR 417.101; 42 CFR 417.103; 42 CFR 417.104

Legal Deadline: None

Abstract: This proposed regulation would provide health maintenance organizations (HMOs) which are federally qualified under Title XIII of the Public Health Service Act with greater flexibility in offering other health benefit plans in addition to their qualified HMO products. It would also authorize with certain limitations, qualified HMOs to offer out-of-plan physician services and require a reasonable deductible for those services.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel, Legal Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen Bldg., 330 Independence Avenue, S.W., Washington, D.C., **202 245-0063**

RIN: 0938–AE25

787. ● CONFORMING PROVISIONS-HMO AMENDMENTS OF 1988

Legal Authority: 42 USC 300e(c); 42 USC 300e-1 note; 42 USC 300c-9

CFR Citation: 42 CFR 417.101; 42 CFR 417.107; 42 CFR 417.151; 42 CFR 417.157

Legal Deadline: None

Abstract: These proposed regulations would amend existing regulations to conform them to sections 5(b), 6(a), and 7 of Public Law 100-517, the Health Maintenance Organization Amendments of 1988. Specifically, the proposal would: (a) require that employer contributions not financially discriminate against HMO enrollees; (b) repeal the requirement that employers, under certain circumstances, offer federally qualified HMOs to their employees (the "dual choice" requirement), effective October 24, 1995; and (c) include additional conforming changes.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel, Legal Analyst, Office of Prepaid Health Care, Department of Health and Human Services, Health Care Financing Administration, Room 4360, Cohen

Bldg., 300 Independence Avenue, S.W., Washington, D.C. 20201, **202 245-0063**

RIN: 0938–AE26

788. ● GENERAL PERFORMANCE STANDARDS FOR DRUG BILL PROCESSORS UNDER CONTRACT

Significance: Agency Priority

Legal Authority: 42 USC 1395u(f); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice contains proposed general standards to be used to evaluate the performance of entities under contract with HCFA to implement and operate an electronic bill processing and payment and information system for covered outpatient prescription drugs furnished to Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
General Notice With Comment Period	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stewart Streimer, Director, Division of Operations Standards, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 1-C-5 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-7409**

RIN: 0938–AE27

789. ● CLINICAL LABORATORIES - CLIA '88 REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263A; PL 100-578

CFR Citation: 42 CFR 74.1 to 74.61; 42 CFR 405.1310 to 405.1317; 42 CFR 482.27

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: Amendments to the Clinical Laboratory Improvement Act of 1988 (CLIA) require all clinical laboratories to be regulated regardless of their ownership, location or of how few tests they perform. This proposed rule would set forth provisions of CLIA '88 that are not self-implementing. (The self-implementing provisions are contained in the final regulation "Review of Current Rules Affecting Clinical Laboratories.") This rule would contain requirements for performance standards for laboratories not regulated under CLIA as of December 31, 1988, that may vary depending on the complexity of the testing and a provision that will allow some laboratories that perform only simple examinations and procedures that have a low risk of erroneous results, a waiver from the standards and inspections. The proposed rule will also contain the requirements that would address fees for certified laboratories as well as laboratories issued a certificate of waiver from standards and inspections. The fees would be charged to meet administrative costs, as well as the cost of onsite inspections and ongoing monitoring of laboratory performance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 966-6763**

RIN: 0938–AE28

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Final Rule Stage

790. MMIS: DEFINITION OF "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM"

Legal Authority: 42 USC 1302; 42 USC 1396b(a)(3); 42 USC 1396b(r)

CFR Citation: 42 CFR 433.111; 42 CFR 433.112; 42 CFR 433.113; 42 CFR 433.119; 42 CFR 433.120; 42 CFR 433.121; 42 CFR 433.122; 42 CFR 433.131

Legal Deadline: None

Abstract: This rule will change the definition of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System or for changes to the system.

Timetable:

Action	Date	FR Cite
NPRM	08/11/88	53 FR 30317
NPRM Comment Period End	10/11/88	53 FR 30317
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Richard H. Friedman, Acting Director, Division of Payment Systems, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Procedures, 233 EHR, 6305 Security Boulevard, Baltimore, MD 21207, **301 966-3292**

RIN: 0938–AA63

791. WAIVER OF CERTAIN MEMBERSHIP REQUIREMENTS FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS (HMOS) AND STATE OPTION FOR DISENROLLMENT RESTRICTIONS FOR CERTAIN HMOS UNDER MEDICAID

Legal Authority: 42 USC 1302; 42 USC 1396a(e)(2); 42 USC 1396b(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27; 42 CFR 434.20; 42 CFR 435.212; 42 CFR 435.326

Legal Deadline: None

Abstract: This rule revises current Medicaid rules to expand the waiver authority of the Secretary to permit certain health maintenance organizations (HMOs) meeting certain requirements, to exceed the composition of enrollment limit to allow certain organizations to contract on a

risk basis, to permit continuation of benefits to recipients enrolled in certain organizations after they have lost entitlement to Medicaid, and give a State the option of restricting a Medicaid enrollee's right to disenroll from certain types of risk HMOs and other organizations. These regulations would conform our regulations with authority provided in section 2364 of Pub.L. 98-369, the Deficit Reduction Act of 1984, as amended by section 9517 of Pub.L. 99-272, the Consolidated Omnibus Budget Reconciliation Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	01/12/88	53 FR 744
NPRM Comment Period End	03/14/88	53 FR 744
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-5661

RIN: 0938–AB54

792. MEDICARE: HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS: COORDINATED OPEN ENROLLMENT

Significance: Agency Priority

Legal Authority: 42 USC 1395mm(c)(3)(A)(ii); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 417

Legal Deadline: None

Abstract: These regulations will implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold a single coordinated open enrollment period for Medicare beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21696
NPRM Comment Period End	08/08/88	52 FR 21697
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Marie Hummel, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4637

RIN: 0938–AB57

793. MEDICARE/MEDICAID REVALUATION OF ASSETS

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(v)(1)(O); 42 USC 1396a(a)(13)(B)

CFR Citation: 42 CFR 413.130; 42 CFR 413.134; 42 CFR 447.250; 42 CFR 447.253

Legal Deadline: None

Abstract: This final rule implements changes to the regulations as required by section 2314 of Pub. L. 98-369 and sections 9110 and 9509 of Pub. L. 99-272. This rule imposes new limitation on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes will affect hospitals and skilled nursing facilities under the Medicare program and hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program.

Timetable:

Action	Date	FR Cite
NPRM	10/26/87	52 FR 39927
NPRM Comment Period End	12/28/87	52 FR 39927
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: William J. Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4513

RIN: 0938–AB64

794. CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 412.72

Legal Deadline: None

Abstract: This final rule clarifies Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It clarifies that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 413.30 or 413.40(e)-(h) for periods subsequent to the base year have no effect on the hospital-specific portion of the prospective payment rates.

Timetable:

Action	Date	FR Cite
NPRM	03/10/86	51 FR 8208
NPRM Comment Period End	04/19/86	51 FR 8208
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward Rees, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, DHPP, R. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4536

RIN: 0938–AB71

795. REVISION OF MEDICAID ELIGIBILITY QUALITY CONTROL (MEQC) PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1396b; 42 USC 1302

CFR Citation: 42 CFR 431.800 to 431.808; 42 CFR 431.810 to 431.822; 42 CFR 431.830 to 431.836; 42 CFR 431.861 to 431.865

Legal Deadline: None

Abstract: This final rule revises the regulations governing the Medicaid eligibility quality control (MEQC) program to include more specified program requirements and to establish new time frames for completing and reporting MEQC case findings to HCFA. The final rule also establishes a performance-based threshold for States to meet before HCFA will consider good faith waiver requests of disallowance of Federal financial participation in erroneous Medicaid payments and provides more definitive

criteria for evaluating States good faith efforts to meet the national standard error rate. In addition, the rule makes several technical changes and specifies that States may rebut their quarterly projected error rates when they can present evidence that the projected rates were based on erroneous data. The revisions will strengthen the MEQC program and provide flexibility and incentives to States to produce more accurate Medicaid eligibility determinations.

Timetable:

Action	Date	FR Cite
NPRM	01/26/87	52 FR 02733
NPRM Comment Period End	03/27/87	52 FR 02733
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Randolph Graydon, Director, Division of Program Performance, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3294**

RIN: 0938–AB85

796. REVIEW OF CURRENT RULES AFFECTING CLINICAL LABORATORIES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x; 42 USC 1302; 42 USC 1395hh; 42 USC 263a; PL 100-578

CFR Citation: 42 CFR 405.1310 to 405.1317; 42 CFR 482.27; 42 CFR 74

Legal Deadline: None

Abstract: Currently, hospital-based and independent laboratories are subject to varying State Licensure requirements and to Medicare regulations that vary from requirements of private accreditation entities and from regulations governing laboratories performing tests under interstate commerce. One consequence is that the quality of laboratories' services is adjudged using different standards. Inconsistent standards not only create confusion regarding necessary performance levels, but may permit laboratories with substandard performance to continue furnishing covered services. This rule will establish better measures of performance and amend requirements to improve the quality of laboratory services. It will also include the self implementing provisions of the Clinical Laboratory Improvement Amendments of 1988. The self-implementing provisions of CLIA '88 that will be added to these regulations will require the issuance of certificates to clinical laboratories in lieu of licenses, and eliminate the exemptions from CLIA that apply to intrastate and low-volume laboratories. The self-implementing CLIA provisions for the issuance and renewal of certificates establishes (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29590
NPRM Comment Period End	11/03/88	53 FR 29590
Final Action	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: the period of certification as a maximum of 2 years. These provisions also expand on procedures for suspending, revoking or limiting a certificate by allowing the suspension of a laboratory's CLIA certificate if the laboratory has been terminated from Medicare for reasons of quality.

Taken from the Regulatory Program of the United States Government 1987 - 1988 which projected final action in October 1987.

Agency Contact: Wayne Smith, Director, Office of Survey and Certification, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 ME, 6325 Security Blvd., Baltimore, MD 21207, **301 966-6763**

RIN: 0938–AB96

797. MEDICARE SECONDARY PAYOR AND MEDICARE RECOVERY AGAINST THIRD PARTIES

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395y(b); 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 411; 42 CFR 489

Legal Deadline: None

Abstract: This rule revises regulations to reflect recent statutory provisions regarding HCFA's right to bring an action directly against certain third parties or to join or intervene in an action against a third party. It would also place certain requirements on hospitals regarding the identification and billing of potential Medicare secondary payor cases. Additionally, it would include requirements regarding timely refunds to Medicare when collections have been made from another insurer. It also clarifies rules for Medicare payment for services furnished to an end-stage renal disease (ESRD) patient who is also covered under an employer group health plan. It would include the changes pertaining to Medicare conditional payments for ESRD beneficiaries made by section 4036(a) of the Omnibus Budget Reconciliation Act of 1987. It would update policies pertaining to Medicare payment for services covered under a workers' compensation law or plan, or under no-fault or liability insurance. It would make Medicare secondary to all kinds of no-fault insurance, not just automobile no-fault insurance.

Timetable:

Action	Date	FR Cite
NPRM	06/15/88	53 FR 22335
NPRM Comment Period End	08/15/88	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Herbert Pollock, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Medicare Claims Payment Policy Branch, Rm. 323 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4474**

RIN: 0938–AC05

798. MEDICARE COVERAGE OF HEPATITIS B VACCINE FOR HIGH AND INTERMEDIATE RISK INDIVIDUALS, HEMOPHILIA CLOTTING AND CERTAIN X-RAY SERVICES

Legal Authority: 42 USC 1395x(s)(2)(I); 42 USC 1395x(s)(10)(B); 42 USC 1395l(k); 42 USC 1395rr(b)(11); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.231(r); 42 CFR 405.232(b); 42 CFR 405.232(c); 42 CFR 405.310(a); 42 CFR 405.310(e); 42 CFR 405.310(k); 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.32; 42 CFR 410.63

Legal Deadline: None

Abstract: This final rule implements section 2323 of P.L 98-369 which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. It would implement section 2324 of P.L. 98-369 that provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. The final rule would also clarify Medicare coverage of certain x-ray services.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34244
NPRM Comment Period End	11/09/87	52 FR 34244
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician and Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 479 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4636

RIN: 0938–AC07

799. CHANGES IN PAYMENT POLICY FOR DIRECT GRADUATE MEDICAL EDUCATION COSTS

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww(h); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.521; 42 CFR 405.522; 42 CFR 412.113; 42 CFR 413.85; 42 CFR 413.86; 42 CFR 413.170

Legal Deadline: None

Abstract: This rule will set forth changes in Medicare Policy concerning payment for direct graduate medical education costs of providers associated with approved residency programs. These changes are necessary in order to implement section 1886(h) of the Social Security Act which was added by section 9202 of the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended by section 9314 of the Omnibus Budget Reconciliation Act of 1986. The changes in this rule are effective for cost reporting periods beginning on or after July 1, 1985.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 36589
NPRM Comment Period End	11/21/88	
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Joel Bobula, Chief, Payment Exclusions Policy Branch, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4532

RIN: 0938–AC27

800. MEDICAID: ELIGIBILITY DETERMINATIONS BASED ON DISABILITY

Legal Authority: 42 USC 1396a(a)(10); 42 USC 1396d(a); 42 USC 1302

CFR Citation: 42 CFR 435.541; 42 CFR 435.911; 42 CFR 436.541

Legal Deadline: None

Abstract: These regulations make explicit in the regulations HCFA's policy on the relationship between State Medicaid eligibility determinations based on disability and disability determinations by SSA under the Supplemental Security Income Program. The regulations incorporate the conditions under which the State agency must make independent determinations of disability and the effect of only SSA determination on Medicaid eligibility. The regulations also conform the Medicaid provisions on composition of medical review teams, required information, and the time limit for making determinations more closely to those used by SSA in making SSI determinations. Because of numerous questions raised and litigation, it is necessary to clarify our policy on the controlling nature of SSI disability determinations on Medicaid eligibility.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47414
NPRM Comment Period End	02/12/88	52 FR 47414
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, 436 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301 966-4451

RIN: 0938–AC31

801. EFFECT OF APPEALS ON HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Significance: Agency Priority

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 412.71; 42 CFR 412.72; 42 CFR 412.73; 42 CFR 412.76; 42 CFR 412.128

Legal Deadline: None

Abstract: This final rule amends and clarifies the prospective payment regulations governing administrative and judicial review of payment amounts in order to resolve confusion concerning interpretation of those regulations. In particular, the rule amends and clarifies the provisions pertaining to adjustment of the hospital-specific rate under the prospective payment system.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22028
NPRM Comment Period End	08/12/88	53 FR 22028
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Edward Rees, Acting Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, Payment Determination Policy Branch, Rm. 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, 301 966-4529

RIN: 0938–AC40

802. ADDITIONS TO AND DELETIONS FROM CURRENT LIST OF COVERED SURGICAL PROCEDURES FOR AMBULATORY SURGICAL CENTERS

Significance: Regulatory Program

Legal Authority: 42 USC 1395l(i)(1); 42 USC 1302

HHS—HCFA

Final Rule Stage

CFR Citation 42 CFR 416.65

Legal Deadline: None

Abstract: This notice announces additions to and deletions from the current list of surgical procedures for which facility services are covered when the procedures are performed in an ambulatory surgical center (ASC).

Timetable:

Action	Date	FR Cite
Proposed Notice	08/11/87	52 FR 29729
Comment period ends	10/13/87	52 FR 29729
Final Notice	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita McGrath, Chief, Alternate Delivery Organizations Branch, Department of Health and Human Services, Health Care Financing Administration, 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4635**

RIN: 0938–AC45

803. HOME AND COMMUNITY-BASED SERVICES AND RESPIRATORY CARE FOR VENTILATOR-DEPENDENT INDIVIDUALS

Legal Authority: 42 USC 1396n(c)

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 440.180; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305; 42 CFR 441.306; 42 CFR 441.307; 42 CFR 441.308; 42 CFR 441.310; 42 CFR 440.185; 42 CFR 440.250

Legal Deadline: None

Abstract: This rule revises the regulations for home and community based services as required by section 9502 of Pub.L. 99-272 and sections 9408 and 9411 of Pub.L. 99-509. Also, this rule would provide for respiratory care services as medical assistance under the State plan, in accordance with section 9408 of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19950
NPRM Comment Period End	07/31/88	53 FR 19950
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Thomas Hoyer, Director, Division of Provider Services Coverage Pol., Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC55

804. REIMBURSEMENT FOR PHYSICIAN'S OUTPATIENT MAINTENANCE DIALYSIS SERVICES

Legal Authority: 42 USC 1395rr

CFR Citation: 42 CFR 405.439(c)(5); 42 CFR 405.502(f)(1); 42 CFR 405.542(a); 42 CFR 405.542(b); 42 CFR 405.542(c)

Legal Deadline: None

Abstract: This rule is necessitated by a court decision requiring the Secretary to reinstate a modified version of the initial method of reimbursement for physician's dialysis services. We also are clarifying and modifying some of the principles of the monthly capitation payment method. In addition, we will clarify that physician's services reimbursable under both the initial method and the monthly capitation payment must meet the general program requirements for dialysis services furnished to patients.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37176
NPRM Comment Period End	12/04/87	52 FR 37176
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Niemann, Program Analyst, Reimbursement Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 1-A-5 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4569**

RIN: 0938–AC57

805. PARTICIPATION IN CHAMPUS AND CHAMPVA, HOSPITAL ADMISSIONS FOR VETERANS, DISCHARGE RIGHTS NOTICE, AND HOSPITAL RESPONSIBILITY FOR EMERGENCY CARE

Significance: Agency Priority

Legal Authority: 42 USC 1395x; 42 USC 1395cc; 42 USC 1395dd; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405.1903; 42 CFR 489.20; 42 CFR 489.24; 42 CFR 489.25; 42 CFR 489.26; 42 CFR 489.27; 42 CFR 489.53; 42 CFR 1001.202; 42 CFR 1001.203; 42 CFR 1001.211; 42 CFR 1001.221; 42 CFR 1003.100; 42 CFR 1003.101; 42 CFR 1003.102; 42 CFR 1003.103; ...

Legal Deadline: None

Abstract: This final rule will implement sections 9121 and 9122 of PL 99-272 as amended by PL 100-203. Specifically, under section 9121, Medicare participating hospitals with emergency departments would be required to provide upon request medical examinations and treatments for individuals with emergency medical conditions and women in active labor. Hospitals failing to meet those requirements may have their Medicare provider agreements suspended or terminated. In addition, the hospital and the responsible physician may each be subject to a civil money penalty for each such violation. Under section 9122, Medicare participating hospitals would be required to accept CHAMPUS and CHAMPVA payment as payment in full for services provided to CHAMPUS and CHAMPVA beneficiaries. These regulations will also implement section 233 of PL 99-576, which requires Medicare hospitals to admit veterans. They will also implement section 9305(b)(1) of PL 99-509, which requires Medicare hospitals to give patients a notice of their discharge rights.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22513
NPRM Comment Period End	08/15/88	53 FR 22513
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Div. of Provider Services & Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AC58

806. STATE PLAN REQUIREMENTS AND OTHER PROVISIONS RELATING TO STATE THIRD-PARTY LIABILITY PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 1396a(a)(25); 42 USC 1302

CFR Citation: 42 CFR 433.138; 42 CFR 433.139; 42 CFR 447.20; 42 CFR 447.21; 42 CFR 447.45

Legal Deadline: Final, Statutory, October 7, 1986.
Section 9503 of Pub. L. 99-272 (April 7, 1986) requires that final regulations be published within 6 months after date of enactment.

Abstract: This rule implements, in part, those portions of sec. 9503 of Pub. L. 99-272 that set forth State plan requirements and other provisions relating to State third-party liability (TPL) programs. The provisions deal with (1) the integration of a State's pursuit of third-party claims with its Mechanized Claims Processing and Information Retrieval Systems and the Secretary's responsibility to develop performance standards to assess TPL collection efforts with respect to this integration; (2) certain exceptions to the cost avoidance method of claims payment in TPL situations; and (3) provider restrictions and provider penalties related to attempts at collection of cost sharing or portions of those amounts from Medicaid recipients when third party liability has been established.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 06350
NPRM Comment Period End	04/02/87	52 FR 06350
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sue Knefley, Program Analyst, Bureau of Quality Control, Department of Health and Human Services, Health Care Financing Administration, Third Party Liability Branch, 233 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-3396**

RIN: 0938–AC64

807. MEDICAID ELIGIBILITY FOR QUALIFIED SEVERELY IMPAIRED INDIVIDUALS

Legal Authority: 42 USC 1302; 42 USC 1396a(f); 42 USC 1396a(10)(A)(i)(II); 42 USC 1396a(O); 42 USC 1396d(q); 42 USC 1382h; 42 USC 1382h note; 42 USC 1396a note

CFR Citation: 42 CFR 435.120; 42 CFR 435.121; 42 CFR 435.725; 42 CFR 435.733

Legal Deadline: None

Abstract: This final rule amends the Medicaid regulations to specify for Medicaid, mandatory categorically needy eligibility for individuals who, although severely impaired, work and demonstrate ability to perform substantial gainful activity and who are considered to be Supplemental Security Income (SSI) beneficiaries by virtue of 1619 of the Act. It also specifies how States electing the option under Section 1902(f) of the Social Security Act to provide Medicaid under criteria more restrictive than SSI, will treat the "1619" individuals. It also specifies how SSI payments made to certain institutionalized individuals are to be disregarded as income under Medicaid for up to two months. The amendments conform the regulations to provisions of the Omnibus Budget Reconciliation Act of 1986 and the Employment Opportunities for Disabled.

Timetable:

Action	Date	FR Cite
NPRM	05/04/88	53 FR 15857
NPRM Comment Period End	07/05/88	53 FR 15857
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Room 448 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AC82

808. DENIAL OF PAYMENT FOR SUBSTANDARD QUALITY CARE, REVIEW OF BENEFICIARY COMPLAINTS

Significance: Regulatory Program

Legal Authority: 42 USC 1320c-3(a); 42 USC 1395cc(a)(1)(K); 42 USC 1395u; 42 USC 1395pp(b); PL 99-272, Sec 9403; PL 99-509, Sec 9353(c); PL 100-203, Sec 4096(a)(1)(A)

CFR Citation: 42 CFR 462.105; 42 CFR 466.70; 42 CFR 466.74; 42 CFR 466.83; 42 CFR 466.88; 42 CFR 466.93; 42 CFR 466.94; 42 CFR 466.98; 42 CFR 466.100; 42 CFR 466.106; 42 CFR 473.12; 42 CFR 473.14; 42 CFR 473.40; 42 CFR 476.133; 42 CFR 489.21; ...

Legal Deadline: None

Abstract: The purpose of this final rule is to implement section 9403 of PL 99-272, 9353(c) of PL 99-509,and section 4096(a)(1)(A) of PL 100-203. Under section 9403 of PL 99-272, Peer Review Organizations (PROs) are authorized to deny Medicare payment to a physician or hospital for services furnished that are of substandard quality. The PRO determinations to deny Medicare payment for these services will be made on the basis of criteria that are consistent with guidelines established by the Secretary. Under section 9353(c) of PL 99-509, PROs will conduct an appropriate review of all written complaints from beneficiaries or their representatives about the quality of services not meeting professionally recognized standards of health care. Under PL 100-203 beneficiaries are protected from liability for the cost of physician services where payment is denied because services were of substandard quality.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	54 FR 1956
NPRM Comment Period End	03/20/89	54 FR 1956
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Patricia Booth, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-D-2 Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, **301 966-6880**

RIN: 0938–AC84

809. CHANGES CONCERNING SUSPENSION OF MEDICARE PAYMENTS, INTEREST RATES CHARGED ON OVERPAYMENTS AND UNDERPAYMENTS, AND DETERMINATIONS OF ALLOWABLE INTEREST EXPENSE

Legal Authority: 42 USC 1320b-4; 42 USC 1395g; 42 USC 1395u; 42 USC 1395x(v)(1)(A); 42 USC 1395hh; 42 USC 1302; 42 USC 13951

CFR Citation: 42 CFR 413.153; 42 CFR 405.370; 42 CFR 405.376; 42 CFR 413.5(c)(3)

Legal Deadline: None

Abstract: This rule will change the Medicare regulations to provide for the following: (1) elimination of the requirement that in case of overpayments to health care providers, the contractor makes a determination that a suspension of payment is needed to protect the program against financial loss before the payment can be suspended; (2) elimination of the requirement that investment income of providers from gifts, grants, and endowments be offset against allowable interest expenses if that investment income is commingled with other funds; and (3) extension of the list of exceptions to the interest expense/investment income offset provision to include investment income from deferred compensation plans and self-insurance funds; and (4) permitting interest on overpayments and underpayments to be assessed at the higher of the private consumer rate or the current value of funds rate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31888
NPRM Comment Period End	10/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise Building, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4513**

RIN: 0938–AC99

810. CRITERIA AND PROCEDURES FOR MAKING MEDICAL SERVICES COVERAGE DECISIONS THAT RELATE TO HEALTH CARE TECHNOLOGY

Significance: Regulatory Program

Legal Authority: 42 USC 1395y; 42 USC 1302; 42 USC 1395hh; 42 USC 1395xx

CFR Citation: 42 CFR 400.200; 42 CFR 400.202; 42 CFR 405.380; 42 CFR 405.381; 42 CFR 405.382; 42 CFR 405.383

Legal Deadline: None

Abstract: The rule will establish in regulations generally applicable standards and procedures for HCFA determinations as to whether and under what circumstances specific medical items and services should be paid for under Medicare. It establishes and explains the criteria relied upon for determining whether an item or service is "reasonable and necessary." The objective of the criteria and procedures set forth in this rule is to assure that Federal funds are expended only for medical services that are covered under the Medicare program.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4302
NPRM Comment Period End	03/31/89	54 FR 4302
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issues Branch, Department of Health and Human Services, Health Care Financing Administration, 455 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-5316**

RIN: 0938–AD07

811. MEDICARE COVERAGE OF PRESCRIPTION DRUGS USED IN IMMUNOSUPPRESSIVE THERAPY

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(s)(2)(J); 42 USC 1302

CFR Citation: 42 CFR 410.10; 42 CFR 410.29; 42 CFR 410.31

Legal Deadline: None

Abstract: This rule will implement section 9335(c) of Pub.L. 99-509 which authorizes Medicare coverage of immunosuppressive drugs for a period of 1-year following a Medicare-covered organ transplant. Current regulations reflect the statutory exclusion from Medicare Part B coverage of drugs or biologicals that can be self-administered. The regulations will be amended to reflect the new statutory requirement. The final regulation will also implement section 4075 of P.L. 100-203, which expanded coverage from "immunosuppressive drugs" to "prescription drugs used in immunosuppressive therapy."

Timetable:

Action	Date	FR Cite
NPRM	01/19/88	53 FR 1383
NPRM Comment Period End	03/21/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Higbee, Chief, Physician & Other Medical Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 479 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4636**

RIN: 0938–AD09

812. REVISIONS TO CONDITIONS OF PARTICIPATION FOR HOSPITALS AND CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES AND SUPPLIERS OF ESRD SERVICES

Significance: Regulatory Program

Legal Authority: 42 USC 1395x(e)(6)(B); PL 99-509, Sec 9339(d); 42 USC 1395x(ee); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.1312; 42 CFR 482.21; 42 CFR 405.2135; 42 CFR 405.2137; 42 CFR 482.27; 42 CFR 482.43

Legal Deadline: None

Abstract: These revisions will (a) require hospitals to provide a discharge planning process; and (b) allow a laboratory director to meet State standards for qualifications, rather than federal, if they differ. These revisions will conform our regulations with requirements of Pub.L. 99-509.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22506
NPRM Comment Period End	08/15/88	53 FR 22506
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 966-5661**

RIN: 0938–AD11

813. EXPLANATION OF RIGHTS AND OTHER HMO/CMP PROVISIONS

Legal Authority: 42 USC 1395mm; PL 99-509, Sec 9312(a); 42 USC 1302; 42 USC 1395hh; PL 100-203, Sec 4011(b)

CFR Citation: 42 CFR 417.413; 42 CFR 417.428; 42 CFR 417.432; 42 CFR 417.436; 42 CFR 417.446; 42 CFR 417.448; 42 CFR 417.460; 42 CFR 417.640; 42 CFR 417.494; 42 CFR 417.444; 42 CFR 417.597

Legal Deadline: None

Abstract: This rule revises Medicare regulations to repeal the "two-for-one" rule for Medicare enrollees; expand required information and require annual notice of HMO/CMP enrollees rights; and add a provision to terminate a contract for noncompliance with the composition of enrollment standard requiring that no more than 50 percent of an organization's membership be comprised of Medicare or Medicaid enrollees, and would authorize sanctions when organizations fail to comply with the 50/50 rule or terms of waiver or exception to that rule.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27718
NPRM Comment Period End	09/20/88	53 FR 27718
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Joan Mahanes, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 463 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4642**

RIN: 0938–AD14

814. ELIGIBILITY OF ALIENS FOR MEDICAID

Significance: Regulatory Program

Legal Authority: 42 USC 1396b(u); PL 99-603, Sec 201; PL 99-509, Sec 9406

CFR Citation: 42 CFR 435.402; 42 CFR 436.402; 42 CFR 440.200; 42 CFR 440.250; 42 CFR 436.128; 42 CFR 436.406; 42 CFR 436.408; 42 CFR 436.2; 42 CFR 440.255; 42 CFR 435.139; 42 CFR 435.406; 42 CFR 435.408; 42 CFR 435.1; 42 CFR 435.3; 42 CFR 436.128; ...

Legal Deadline: None

Abstract: This rule revises Medicaid regulations applicable for aliens who meet eligibility requirements as categorically needy or medically needy. It establishes in the regulations that aliens lawfully admitted for permanent residence or permanently residing in the United States under color of law may be eligible for all Medicaid services. It also identifies those aliens who may be eligible only for limited services.

Timetable:

Action	Date	FR Cite
NPRM	09/29/88	53 FR 38032
NPRM Comment Period End	11/28/88	53 FR 38032
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Marinos T. Svolos, Director, Division of Medicaid Eligibiltiy Policy, Department of Health and Human Services, Health Care Financing Administration, Room 400 East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 966-4451**

RIN: 0938–AD15

815. PAYMENT FOR SERVICES OF CERTIFIED REGISTERED NURSE ANESTHETISTS

Legal Authority: 42 USC 1395x(s)(ll); 42 USC 1395l(l); 42 USC 1395x(bb)

CFR Citation: 42 CFR 405.553; 42 CFR 405.502; 42 CFR 413.80

Legal Deadline: NPRM, Statutory, January 1, 1989. Final, Statutory, January 1, 1989.

Abstract: Section 9320 of Pub. L. 99-509 provides for payment on a fee schedule basis for services of certified registered nurse anesthetists (CRNAs) furnished to Medicare beneficiaries on or after January 1, 1989. The payment amount will be equal to the least of 80 percent of a fee schedule established by the Secretary (and adjusted annually by the change in the Medicare economic index), 80 percent of the prevailing charge for an anesthesiologist; or 80 percent of the actual charge. CRNAs will be required to accept assignment for all Medicare services and civil monetary penalties could be imposed for violations of this requirement. Alternatively, the hospital or physician could bill for and receive payment for services of CRNAs where an employment relationship or contract so stipulates. The hospital or physician could not bill more for CRNA services than the amount the CRNA could bill directly.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3803
NPRM Comment Period End	03/27/89	54 FR 3803
Final Action	08/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik, Director, Division of Medical Services, Reimbursement, Department of Health and Human Services, Health Care Financing Administration, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4497**

RIN: 0938–AD25

816. WITHDRAWAL OF COVERAGE OF SINGLE PHOTON ABSORPTIOMETRY AND RADIOGRAPHIC ABSORPTIOMETRY

Legal Authority: 42 USC 1395y(a); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This notice announces the Medicare program's intent to withdraw Medicare coverage (including coverage under the End-Stage Renal Disease (ESRD) program) for single photon absorptiometry and radiographic absorptiometry for measuring bone mineral density for either diagnostic or treatment purposes, and to continue noncoverage of dual photon absorptiometry.

Timetable:

Action	Date	FR Cite
Proposed Notice	09/08/88	53 FR 34898
Public Comment Period End	11/07/88	53 FR 34898
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sam DellaVecchia, Chief, Special Coverage Issue Branch, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 455

EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5316**

RIN: 0938–AD28

817. MODIFICATION OF CERTAIN REQUIREMENTS FOR HEALTH INSURING ORGANIZATIONS

Legal Authority: 42 USC 1302; 42 USC 1396b(m)(2)(A); PL 99-272, Sec 9517(c); PL 99-514, Sec 1895(c)(4); PL 99-509, Sec 9435(e)

CFR Citation: 42 CFR 434.14; 42 CFR 434.20; 42 CFR 434.40; 42 CFR 434.42; 42 CFR 434.44; 42 CFR 434.2

Legal Deadline: None

Abstract: The final rule will describe the conditions under which a Health Insuring Organization (HIO) is subject to Medicaid Health Maintenance Organization (HMO) regulations. It would require that an HIO which becomes operational on or after January 1, 1986 and arranges for the delivery of services to recipients be subject to HMO requirements. The regulations would specify that exemptions from certain HMO requirements are permitted for HIOs which began operations on or after January 1, 1986 if the HIOs obtained a section 1915(b) waiver prior to that date, or if an HIO is otherwise identified in the law. The exemptions which are based on section 1915(b) waivers last only until the expiration of the waiver.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32406
NPRM Comment Period End	10/24/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert E. Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Rm. 401 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5661**

RIN: 0938–AD31

818. PROHIBITION ON UNBUNDLING OF HOSPITAL OUTPATIENT SERVICES

Legal Authority: 42 USC 1395y(a)(14); 42 USC 1395cc(a)(1)(H); 42 USC 1395cc(g)

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 489; 42 CFR 1003

Legal Deadline: None

Abstract: This rule, issued jointly by HCFA and OIG, will prohibit Medicare payment for nonphysician services furnished to a hospital outpatient by a provider or supplier other than the hospital, unless the services are furnished under an arrangement with the hospital. The hospital will be obligated by its provider agreement to furnish the services directly or under an arrangement. These regulations also authorize OIG to impose a civil money penalty, not to exceed $2,000, against any individual who knowingly and willfully presents, or causes to be presented, a bill or request for payment for a hospital outpatient service under Part B of Medicare in violation of an arrangement. These regulations will implement sections 9343(c)(1), (c)(2), and (c)(3 of the Omnibus Budget Reconciliation Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29486
NPRM Comment Period End	10/04/88	53 FR 29486
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Division of Provider Services and, Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 405 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-4607**

RIN: 0938–AD33

819. PHYSICIAN LIABILITY ON NON-ASSIGNED CLAIMS

Legal Authority: PL 99-509, Sec 9332; 42 USC 1395u; 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405.339

Legal Deadline: None

Abstract: This regulation implements Section 9332(c) of the Omnibus Budget Reconciliation Act of 1986 under which nonparticipating physicians who provide, on an unassigned basis, services which are determined to be medically unnecessary are required to refund to the beneficiary any amounts collected for such services. Exceptions to the refund requirement will be granted only if the physician did not know and could not reasonably have been expected to know that the service was not covered, or if the beneficiary, after being informed that Medicare will not pay for the service, agrees to pay.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53025
NPRM Comment Period End	02/28/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elmer Smith, Director, Office of Eligibility Policy, Department of Health and Human Services, Health Care Financing Administration, Rm. 400 EHR, 6325 Security Blvd., Baltimore, MD. 21207, **301 966-5648**

RIN: 0938–AD34

820. CHANGES TO PEER REVIEW ORGANIZATION REGULATIONS

Legal Authority: 42 USC 1395y(a); 42 USC 1320(c); 42 USC 1395hh; 42 USC 1396a(a)(30)

CFR Citation: 42 CFR 405.310; 42 CFR 431.630; 42 CFR 433.15; 42 CFR 434.53; 42 CFR 456.2; 42 CFR 456.650; 42 CFR 462.101; 42 CFR 462.102; 42 CFR 462.106; 42 CFR 462.107; 41 CFR 466.71; 42 CFR 466.76; 42 CFR 466.78; 42 CFR 466.83; 42 CFR 466.93; ...

Legal Deadline: None

Abstract: This rule sets forth several changes to the Medicare regulations governing Peer Review Organizations. Some of these changes are the result of the passage of the Consolidated Omnibus Budget Reconciliation Act of 1985 and the Omnibus Budget Reconciliation Act of 1986. Other changes are of a technical nature and are intended to clarify and correct existing regulations on the Peer Review Organization Program. The rule also sets forth the policy for reimbursement of costs incurred by hospitals for photocopying medical records needed by PROs during offsite reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8654
NPRM Comment Period End	05/16/88	53 FR 8654
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Husk, Director, Office of Peer Review, Department of Health and Human Services, Health Care Financing Administration, Rm. 2-D-2 Meadows East Bdlg., 6325 Security Blvd., Baltimore, MD. 21207, **301 966-6850**

RIN: 0938–AD38

821. UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1988

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F); 42 USC 1302

CFR Citation: 42 CFR 416.130

Legal Deadline: NPRM, Statutory, July 1, 1988.

Abstract: We will state the methodology used to determine the payment amounts for ambulatory surgical services and update payment rates, effective July 1, 1988.

Timetable:

Action	Date	FR Cite
Proposed Notice	08/18/88	53 FR 31468
Public Comment Period End	10/17/88	53 FR 31468
Final Notice	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4487**

RIN: 0938–AD44

822. HOME HEALTH AGENCIES: CONDITIONS OF PARTICIPATION AND REDUCTION IN RECORDKEEPING REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 1395x; 42 USC 1395hh; 42 USC 1395bbb

CFR Citation: 42 CFR 484

Legal Deadline: Final, Statutory, October 1, 1988.
Minimum standards for home health aide training and competency evaluation programs must, pursuant to P.L. 100-203, be established by October 1, 1988.

Abstract: These regulations specify requirements for home health agencies for: protecting and promoting patient rights; training and competency of home health aides; notifying State entities responsible for the licensing or certification of HHAs of changes in ownership, managing employees, and managing organizations; including an individual's plan of care as part of the individual's clinical records; and operating and furnishing services in compliance with accepted professional standards and principles that apply to professionals furnishing home health services.

Timetable:

Action	Date	FR Cite
Final With Comment Period	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Hoyer, Director, Division of, Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Blvd, Baltimore, MD 21207, **301 966-4607**

RIN: 0938–AD45

823. CHANGES TO THE INPATIENT HOSPITAL PROSPECTIVE PAYMENT SYSTEM AND FISCAL YEAR 1989 RATES

Significance: Regulatory Program

Legal Authority: 42 USC 1395ww; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 412

Legal Deadline: None

Abstract: This final rule makes revisions to the inpatient hospital prospective payment system based on responses to comments received concerning changes made by Pub.L. 100-360 that are applicable to discharges during FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19498
NPRM Comment Period End	07/26/88	53 FR 1948
Final Action with comments	09/30/88	53 FR 38476
Final Action generally effective	10/01/88	53 FR 38476
Final Action Public Comment Period End	11/29/88	53 FR 38476
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ed Rees, Acting Director, Division of Hospital Payment Policy, Department of Health and Human Services, Health Care Financing Administration, 1-H-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4529**

RIN: 0938–AD49

824. PROTOCOL FOR THE REUSE OF DIALYSIS BLOODLINES

Legal Authority: 42 USC 1395rr(a)(7); 42 USC 1302; 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395x; 42 USC 1395y(a)

CFR Citation: 42 CFR 405.2150(d)

Legal Deadline: None
While the Secretary is not required to publish a regulation, ESRD facilities will not otherwise be permitted to re-use bloodlines after June 30, 1988.

Abstract: This rule would establish standards for safe and effective reuse of bloodlines. The statute forbids ESRD facilities to reuse bloodlines beginning July 1, 1988, unless the Secretary has established and the facilities follow, protocols for their reuse. The protocols would be incorporated into conditions of coverage.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28236
NPRM Comment Period End	09/26/88	53 FR 28236
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita McGrath, Chief, Alternate Delivery Organization Branch, Department of Health and

Human Services, Health Care Financing Administration, Room 469 EHR Bldg., 6325 Security Blvd., Baltimore. MD 21207, **301 966-4635**

RIN: 0938–AD52

825. UNIFORM RELATIVE VALUE GUIDE FOR ANESTHESIA SERVICES FURNISHED BY PHYSICIANS

Legal Authority: PL 100-203, Sec 4048(b); 42 USC 1302; 42 USC 1395hh; 42 USC 1395u(b)(14)

CFR Citation: 42 CFR 405.553

Legal Deadline: Final, Statutory, January 1, 1989.
Under section 4048(b) of PL 100-203 the relative value guide is to be used for physician anesthesia services furnished on or after 01/01/89.

Abstract: This final rule will establish a relative value guide for use in all carrier localities in making payment for anesthesia services furnished by physicians under Medicare Part B. This rule will implement section 4048(b) of PL 100-203. The proposed relative value guide is designed to ensure that payments using the guide do not exceed the amount that would have been made under the current payment system. Although the statute requires that the uniform relative value guide be effective for services furnished on or after January 1, 1989, we are delaying the effective date until March 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3794
NPRM Comment Period End	02/27/89	54 FR 3794
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director, Division of, Medical Services Reimbursement, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD63

826. PAYMENT FOR DURABLE MEDICAL EQUIPMENT AND ORTHOTIC AND PROSTHETIC DEVICES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395m(a); 42 USC 1395x(n)

CFR Citation: 42 CFR 405.502; 42 CFR 405.514; 42 CFR 414.200; 42 CFR 414.202; 42 CFR 414.210; 42 CFR 414.220; 42 CFR 414.222; 42 CFR 414.224; 42 CFR 414.226; 42 CFR 414.228; 42 CFR 414.230

Legal Deadline: None

Abstract: This final rule with comment period implements section 4062 of PL 100-203. It establishes fee schedules and payment methodologies that govern payments for six categories of durable medical equipment and orthotic and prosthetic devices as required by section 4062 of PL 100-203. The new payment rates are to be effective for items provided on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Final with comment period	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard Patashnik, Director of Medical Services Reimbursement, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 966-4497**

RIN: 0938–AD65

827. PERIODIC PAYMENTS FOR HOSPITALS AND OTHER PROVIDERS

Legal Authority: 42 USC 1395g(e); 42 USC 1395g (note); 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 412.116

Legal Deadline: None

Abstract: In this final rule, we set forth the circumstances under which the periodic interim payment method is available for services furnished by hospitals and other providers. Generally, inpatient hospital services furnished by hospitals excluded from the prospective payment system, as well as skilled nursing facility services, home health services, and hospice care services, may be paid for on a periodic interim payment basis. With certain exceptions, inpatient hospital services furnished by prospective payment hospitals are not eligible for payment on a periodic interim payment basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4513**

RIN: 0938–AD71

828. INHERENT REASONABLENESS FOR HOME DIALYSIS SUPPLIES AND EQUIPMENT

Legal Authority: 42 USC 1395u(b)(8); 42 USC 1302

CFR Citation: None

Legal Deadline: None

Abstract: This notice would establish a special reasonable charge payment limit for home dialysis equipment and supplies to prevent excessive payment for these items.

Timetable:

Action	Date	FR Cite
Proposed Notice	01/12/89	54 FR 1244
Comment Period End	03/13/89	
Final Notice	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bob Niemann, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Div. of Dialysis & Transplant Payment Policy, 1-A-5, ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4569**

RIN: 0938–AD74

829. PAYMENT FOR OUTPATIENT SURGERY AT EYE SPECIALTY HOSPITALS AND EYE AND EAR SPECIALTY HOSPITALS

Legal Authority: 42 USC 1395l(i)(3)(B)(ii); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 413.118

Legal Deadline: None

Abstract: In accordance with section 4068(a) of PL 100-203, we will revise the payment provisions concerning hospital outpatient services furnished in connection with ambulatory surgical procedures for certain qualified eye hospitals and eye and ear hospitals. For cost reporting periods beginning on or after October 1, 1988 and before October 1, 1990, the blended payment amount applicable to these hospitals remains at 75 percent of the hospital-specified amount and 25 percent of the ambulatory surgical center amount.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3818
NPRM Comment Period End	03/27/89	54 FR 3818
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4513

RIN: 0938–AD76

830. SWING-BED PROGRAM CHANGES

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395tt

CFR Citation: 42 CFR 413; 42 CFR 424; 42 CFR 482; 42 CFR 489

Legal Deadline: None

Abstract: These regulations revise the Medicare rules relating to approved swing-bed hospitals. They implement the provisions of Pub. L. 100-203 which expand the swing-bed program to rural hospitals with less than 100 beds. Payment for extended care services furnished by hospitals with 50-99 beds are subject to additional conditions.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Hoyer, Director, Div. of Provider Services Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 405, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4607

RIN: 0938–AD83

831. FEE SCHEDULE FOR CERTIFIED NURSE-MIDWIFE SERVICES

Legal Authority: 42 USC 1395k(a)(2)(B); 42 USC 1395l(a)(1)(K) and (p); 42 USC 1395x(s)(2)(L) and (gg); 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 405; 42 CFR 410

Legal Deadline: None

Abstract: This proposed rule would provide for the establishment of a fee schedule for the services of certified nurse-midwives under the Medicare program. This proposal would implement section 4073 of PL 100-203 and would apply to Medicare services provided by certified nurse-midwives on or after July 1, 1988.

Timetable:

Action	Date	FR Cite
Final with comment period	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Wren, Director, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-5661

RIN: 0938–AD85

832. SECOND SURGICAL OPINION REQUIREMENTS FOR MEDICAID RECIPIENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30)(A)

CFR Citation: 42 CFR 456.900; 42 CFR 456.903; 42 CFR 456.905; 42 CFR 456.907; 42 CFR 456.909; 42 CFR 456.911; 42 CFR 456.913; 42 CFR 456.915; 42 CFR 456.921; 42 CFR 456.923; 42 CFR 456.929

Legal Deadline: None

Abstract: These regulations require each Medicaid plan to include a program for second surgical opinions for certain surgical procedures. This program is aimed at preventing unnecessary surgery and improving patient awareness of all treatment options, where alternatives to surgery are available. These regulations will be published in final 180 days following the Secretary's submission of a report to Congress, due on or before October 1, 1988, as required by the OBRA of 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/17/86	
Submit Report to Congress as Required by OBRA-86	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ernestine Jones, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Room 463, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4646

RIN: 0938–AD86

833. CONFORMING AMENDMENTS RESULTING FROM THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Legal Authority: 42 USC 1395x(r); 42 USC 1395l; 42 USC 1395x(s); 42 USC 1395y; 42 USC 1395x(e); 42 USC 1395r; 42 USC 426; 42 USC 1396d; 42 USC 1396n; 42 USC 1396b; 42 USC 1395hh; 42 USC 1302

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 406; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 413; 42 CFR 416; 42 CFR 417; 42 CFR 424; 42 CFR 430; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 440; ...

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self-executing provisions of the Omnibus Budget Reconciliation Act of 1987. They are

needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language. Under the Medicare program's rules changes are made affecting: services of podiatrists; outpatient psychiatric services; SMI premiums; and comprehensive outpatient rehabilitative facility services. Under the Medicaid program changes are made affecting: services of dentists; clinic services; and waivers of certain State plan requirements. In addition, we make other conforming and transitional amendments.

Timetable:

Action	Date	FR Cite
Final with comment period	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 418 H.Hubert H. Humphrey Bldg., 200 Independence Avenue, SW, Washington, D.C. 20201, 202 245-0343

RIN: 0938–AD92

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834. CATASTROPHIC COVERAGE CONFORMING AMENDMENTS

Legal Authority: 42 USC 1302; 42 USC 1395hh; 42 USC 1395e; 42 USC 1395f; 42 USC 1395i; 42 USC 1395r; 42 USC 1396a, 42 USC 1396d; 42 USC 1395v; 42 USC 1396b

CFR Citation: 42 CFR 400; 42 CFR 406; 42 CFR 407; 42 CFR 408; 42 CFR 409; 42 CFR 410; 42 CFR 418; 42 CFR 424; 42 CFR 431; 42 CFR 435; 42 CFR 436; 42 CFR 447; 42 CFR 482; 42 CFR 489

Legal Deadline: None

Abstract: These regulations conform HCFA rules to certain self executing provisions of the Medicare Catastrophic Coverage Act of 1988 which: expand the scope of benefits under Medicare Part A; change the rules applicable to deductible and coinsurance; effect the determination and promulgation of Medicare Part A premiums; impose additional premiums for Medicare Part B; require Medicaid agencies to pay Medicare premiums deductibles and coinsurance on behalf of qualified Medicare beneficiaries and make other conforming and transitional amendments. They are needed to make HCFA rules consistent with current provisions of law and to ensure that users of the regulations are not confused by outdated provisions or unclear language.

Timetable:

Action	Date	FR Cite
Final with comment period	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, Room 418H Hubert H. Humphrey Bldg., 200 Independence Avenue, SW, Washington, D.C. 20201, 202 245-0383

RIN: 0938–AD93

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835. ● SCHEDULE OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1989

Legal Authority: 42 USC 1302; 42 USC 1395x(v)(1)(A); 42 USC 1395x(v)(1)(L)

CFR Citation: 42 CFR 413.30

Legal Deadline: Other, Statutory, July 1, 1989.
Sec 4026(a)(2) of P.L.100-203, as amended by sec 411(d)(5)(B) of P.L.100-360, requires the application of a wage index based on wage data fm HHAs to cost rptg periods beginning July 1, 1989.

Abstract: This final notice with comment period sets forth an updated schedule of limits on home health agency costs that may be reimbursed under the Medicare program. This updated schedule of limits will be applicable to cost reporting periods beginning on or after July 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimo Maryland 21207, 301 966-4513

RIN: 0938–AE03

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836. ● SCHEDULE OF LIMITS FOR SKILLED NURSING FACILITY INPATIENT ROUTINE SERVICE COSTS FOR REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1989

Legal Authority: 42 USC 1395x(v)(1)(A); 42 USC 1395yy; 42 USC 1302

CFR Citation: 42 CFR 413.30

Legal Deadline: None

Abstract: This notice would set forth a revised schedule of limits on skilled nursing facility inpatient routine service costs that are reimbursed under Medicare. This schedule would apply to cost reporting periods beginning on or after October 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Goeller, Director, Division of Payment and Reporting Policy, Department of Health and Human Services, Health Care Financing Administration, 1-F-5 ELR, 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-4513

RIN: 0938–AE04

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837. ● PHYSICIAN INVOLVEMENT IN PHYSICAL THERAPY AND SPEECH PATHOLOGY SERVICES

Legal Authority: PL 100-647, Sec 8424

CFR Citation: 42 CFR 405.1717; 42 CFR 405.1733; 42 CFR 424.25

Legal Deadline: None

Abstract: This final rule implements section 8424 of the Technical and Miscellaneous Revenue Act of 1988. It removes from Medicare conditions of participation the requirements that providers of outpatient physical therapy and physical therapists in independent practice accept for treatment only patients referred to them by physicians, and that written plans of care be established and reviewed by

physicians. It also extends the same exemption to providers of outpatient speech pathology and speech pathologists in independent practice. It affects care provided to non-Medicare patients only. The requirements for physician involvement continue to apply for services provided to Medicare beneficiaries. The purpose of the rule is to relieve providers of outpatient physical therapy and speech pathology and independent therapists of an unnecessary burden imposed by current Federal regulations. States would have the flexibility under State law to establish the most appropriate requirements for non-Medicare patients in need of physical therapy or speech pathology services.

Timetable:

Action	Date	FR Cite
FINAL WITH COMMENT PERIOD	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheridan Gladhill, Program Analyst, Office of Coverage Policy, Department of Health and Human Services, Health Care Financing Administration, Room 401, EHR, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-4605**

RIN: 0938–AE07

838. ● FUNCTIONS OF CONTRACTORS IN THE ADMINISTRATION OF THE MEDICARE OUTPATIENT PRESCRIPTION DRUG BENEFIT BEGINNING JANUARY 1, 1991

Legal Authority: 42 USC 1395u(f); 42 USC 1302; 42 USC 1395hh

CFR Citation: Not applicable

Legal Deadline: None

Abstract: Section 202(e) of the Medicare Catastrophic Coverage Act of 1988 permits the Secretary to enter into contracts with qualified entities to implement and operate electronic bill processing, payment and information systems with respect to Medicare outpatient prescription drugs dispensed to Medicare beneficiaries. This notice alerts the public to the planned separation of functions related to the Medicare outpatient prescription drug benefit among the new drug bill processors and the current Medicare carriers. It also allows the public an opportunity to comment on the new drug bill processors functions prior to the incorporation of those functions into contracts.

Timetable:

Action	Date	FR Cite
Notice with Comment	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Toba Winston, Chief, Contract Policy Branch, Office of Program Administration, Department of Health and Human Services, Health Care Financing Administration, 334 Meadows East Building, 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-7426**

RIN: 0938–AE14

839. ● PART B CATASTROPHIC LIMIT

Legal Authority: 42 USC 1395l(c); 42 USC 1302

CFR Citation: 42 CFR 410.110

Legal Deadline: Other, Statutory, September 1, 1989.

Abstract: This notice indicates the amount that section 1833(c) of the Social Security Act prescribes as the out-of-pocket limit on expenses a Medicare beneficiary will have to pay in 1990 for Part B services (except for drugs.)

Timetable:

Action	Date	FR Cite
Notice	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6386**

RIN: 0938–AE18

840. ● INPATIENT HOSPITAL DEDUCTIBLE FOR 1990

Legal Authority: 42 USC 1395c

CFR Citation: 42 CFR 409.82

Legal Deadline: Other, Statutory, September 15, 1989.

Abstract: This notice announces the inpatient hospital deductible for calendar year 1990 under Medicare's hospital insurance program. The Medicare statute specifies the formula to be issued to determine this amount.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6386**

RIN: 0938–AE19

841. ● PART A PREMIUM FOR THE UNINSURED AGED FOR 1990

Legal Authority: 42 USC 1395i

CFR Citation: 42 CFR 406.22

Legal Deadline: Other, Statutory, September 30, 1989.

Abstract: This notice announces the amount of the monthly premium for uninsured Medicare beneficiaries for calendar year 1990. This amount is based on the formula specified by statute.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, **301 966-6386**

RIN: 0938–AE20

842. ● MONTHLY ACTUARIAL RATES AND PART B PREMIUM RATES BEGINNING 1/1/90

Legal Authority: 42 USC 1395r; 42 USC 1302

HHS—HCFA

Final Rule Stage

CFR Citation: 42 CFR 408.20

Legal Deadline: Other, Statutory, September 30, 1989.

Abstract: This notice announces the monthly actuarial rates for aged (aged 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1990. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1989.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386

RIN: 0938–AE21

843. ● SNF COINSURANCE AMOUNTS FOR 1990

Legal Authority: 42 USC 1395e(a)(3)(C)

CFR Citation: 42 CFR 409.85

Legal Deadline: Other, Statutory, September 30, 1989.

Abstract: This notice announces the daily coinsurance amounts for which Medicare beneficiaries will be responsible for days 1 through 8 of a covered stay in a skilled nursing facility in 1990.

Timetable:

Action	Date	FR Cite
Notice	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Solomon Mussey, Supervisory Actuary, Office of Medicare Cost Estimates, Department of Health and Human Services, Health Care Financing Administration, M-1, 1705 Equitable Bldg., 6325 Security Boulevard, Baltimore, Maryland 21207, 301 966-6386

RIN: 0938–AE22

844. ● UPDATE OF AMBULATORY SURGICAL CENTER PAYMENT RATES FOR JULY 1, 1989

Significance: Agency Priority

Legal Authority: 42 USC 1395l(a)(4); 42 USC 1395l(i); 42 USC 1395k(a)(2)(F)

CFR Citation: 42 CFR 416.130

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: This notice announces the payment rates for ambulatory surgical services effective July 1, 1989.

Timetable:

Action	Date	FR Cite
Final Notice	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Booth, Director, Office of Reimbursement Policy, Department of Health and Human Services, Health Care Financing Administration, Room 181 EHR, 6325 Security Boulevard, Baltimore, MD 21207, 301 966-4487

RIN: 0938–AE29

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

845. MISCELLANEOUS MEDICARE AND MEDICAID AMENDMENTS

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 410; 42 CFR 416; 42 CFR 421; 42 CFR 441; 42 CFR 489

Completed:

Reason	Date	FR Cite
Final Action	01/27/89	54 FR 4023
Final Action Effective	02/27/89	54 FR 4023

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Luisa Iglesias 202 245-0383

RIN: 0938–AB05

846. INDIRECT PART B PAYMENT PROCEDURE

CFR Citation: 42 CFR 424.36; 42 CFR 424.60; 42 CFR 424.66

Completed:

Reason	Date	FR Cite
Final Action	07/28/88	53 FR 28384
Final Action Effective	08/29/88	53 FR 28384

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Olenick 301 966-4472

RIN: 0938–AB59

847. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT AND ENTITLEMENT

CFR Citation: 42 CFR 405; 42 CFR 406; 42 CFR 407

Completed:

Reason	Date	FR Cite
Final Action	11/22/88	53 FR 47199
Final Action Effective	12/22/88	53 FR 47199

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Denis Garrison 301 966-5643

RIN: 0938–AB60

848. EMPLOYERS CONTRIBUTION TO HEALTH MAINTENANCE ORGANIZATIONS OPTION

CFR Citation: 42 CFR 417.157

Completed:

Reason	Date	FR Cite
Withdrawn Replaced by Self Impl Processes of HMO Amendments of 88	11/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Sobel 202 245-0197

RIN: 0938–AC48

849. USE OF THE HCFA HOSPITAL WAGE INDEX FOR DETERMINING PAYMENT TO HOSPICES

CFR Citation: 42 CFR 418.306(c)

Completed:

Reason	Date	FR Cite
Withdrawn To be combined with another regulatory document.	02/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Lovecchio 301 966-4575

RIN: 0938–AC49

850. BILLING AND VERIFICATION ADD-ON RELATING TO HOME HEALTH AGENCIES COST PER VISIT LIMITS

CFR Citation: 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Final Action	10/05/88	53 FR 39150

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William J. Goeller 301 966-4513

RIN: 0938–AC56

851. PAYMENT FOR KIDNEYS SENT TO FOREIGN COUNTRIES OR TRANSPLANTED IN PATIENTS OTHER THAN MEDICARE BENEFICIARIES

CFR Citation: 42 CFR 413.179

Completed:

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 5619
Final Action Effective	03/08/89	54 FR 5619

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Horney 301 966-4554

RIN: 0938–AC59

852. MEDICARE BENEFICIARY APPEALS

CFR Citation: 42 CFR 405.701; 42 CFR 405.708; 42 CFR 405.716; 42 CFR 405.717; 42 CFR 405.718a through d; 42 CFR 405.719; 42 CFR 405.720; 42 CFR 405.722; 42 CFR 405.724; 42 CFR 405.730; 42 CFR 405.801; 42 CFR 426; 42 CFR 405.702

Completed:

Reason	Date	FR Cite
Withdrawn Current Responsibility Outside HCFA	06/01/88	53 FR 20023

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Shaffer 301 966-5765

RIN: 0938–AC81

853. REFUNDING OF FEDERAL SHARE OF OVERPAYMENTS MADE TO MEDICAID PROVIDERS

CFR Citation: 42 CFR 433.32 to 35; 42 CFR 433.112; 42 CFR 433.116; 42 CFR 433.300 to 322

Completed:

Reason	Date	FR Cite
Final Action	02/03/89	54 FR 5452
Final Action Effective	04/04/89	54 FR 5452

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: David Greenberg 301 966-3278

RIN: 0938–AC83

854. RECOGNITION OF COLLEGE OF AMERICAN PATHOLOGISTS LABORATORY ACCREDITATION PROGRAM

CFR Citation: 42 CFR 405.1310; 42 CFR 482.27

Completed:

Reason	Date	FR Cite
Withdrawn - Reassessing policy	10/00/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Goldman 301 966-6313

RIN: 0938–AC89

855. REQUIREMENTS FOR LONG TERM CARE FACILITIES

Significance: Regulatory Program

CFR Citation: 42 CFR 442.30; 42 CFR 442.101; 42 CFR 442.105; 42 CFR 442.300 to 442.346; 42 CFR 442.250 to 442.254; 42 CFR 483.1 to 483.75; 42 CFR 442.200 to 202; 42 CFR 447.251; 42 CFR 447.253; 42 CFR 447.255; 42 CFR 447.272

Completed:

Reason	Date	FR Cite
Final Action Final with comment period ending 05/03/89.	02/02/89	54 FR 5316
Final Action Effective	08/09/89	54 FR 5316

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State

Agency Contact: Samuel Kidder 301 966-4620

RIN: 0938–AD12

856. MEDICARE, MEDICAID, AND CLINICAL LABORATORIES IMPROVEMENT ACT (CLIA) PATIENT CONFIDENTIALITY RULES

CFR Citation: 42 CFR 74; 42 CFR 405; 42 CFR 441

Completed:

Reason	Date	FR Cite
Final Action	12/02/88	53 FR 48645
Final Action Effective	01/03/89	53 FR 48645

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mike Goldman 301 966-6813

RIN: 0938–AD40

857. SCHEDULES OF LIMITS ON HOME HEALTH AGENCY COSTS PER VISIT FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1988

Significance: Agency Priority

CFR Citation: 42 CFR 413.30

Completed:

Reason	Date	FR Cite
Final Action -For Costing Reporting Periods Beginning 07/01/88	10/18/88	53 FR 40771
Final Action Effective	07/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Goeller 301 966-4513

RIN: 0938–AD47

858. FEE SCHEDULES FOR RADIOLOGIST SERVICES

Significance: Regulatory Program

CFR Citation: 42 CFR 405.501; 42 CFR 405.530; 42 CFR 405.531; 42 CFR 405.532; 42 CFR 405.533; 42 CFR 405.550; 42 CFR 405.551; 42 CFR 405.554; 42 CFR 405.555

Completed:

Reason	Date	FR Cite
Final Action With comment period ending 05/01/89.	03/02/89	54 FR 8994
Final Action Effective	04/01/89	54 FR 8994

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Patashnik 301 966-4497

RIN: 0938–AD62

859. ESTABLISHMENT OF MEDICARE ECONOMIC INDEX FOR 1989

CFR Citation: 42 CFR 405.504

Completed:

Reason	Date	FR Cite
Final Action	09/09/88	53 FR 38075
Final Action Effective	01/01/89	53 FR 38075

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Riesel 301 966-4494

RIN: 0938–AD64

860. CRITERIA FOR STANDARD AND EXTENDED HOME HEALTH AGENCY SURVEYS

CFR Citation: 42 CFR 488

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn - To be implemented via other mechanism	01/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter Merten 301 966-6767

RIN: 0938–AD67

861. INPATIENT HOSPITAL DEDUCTIBLE FOR 1989

CFR Citation: 42 CFR 408.22; 42 CFR 409.80; 42 CFR 409.82; 42 CFR 409.83; 42 CFR 409.85

Completed:

Reason	Date	FR Cite
Final Action	09/30/88	53 FR 38357
Final Action Effective	01/01/89	53 FR 38357

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Solomon Mussey 301 966-6386

RIN: 0938–AD68

862. HOSPICE CAP

CFR Citation: 42 CFR 418.309

Completed:

Reason	Date	FR Cite
Final Action Effective through 10/31/88	10/17/88	53 FR 40494
Final Action Effective	11/01/87	53 FR 40494

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anthony Lovecchio 301 966-4575

RIN: 0938–AD75

863. CARRIER BONUSES FOR INCREASING PHYSICIANS' PARTICIPATION OR PAYMENTS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action Notice of request for comments	10/11/88	53 FR 39644

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louis Palmieri, Jr. 301 966-7542

RIN: 0938–AD96

864. NATIONAL AVERAGE ACTUARIAL VALUE OF DUPLICATIVE PART A AND PART B MEDICARE BENEFITS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action Part A effective 01/01/89; Part B effective 01/01/90	12/06/88	53 FR 49233

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Solomon Mussey 301 966-6386

RIN: 0938–AD98

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Proposed Rule Stage

Family Support Administration (FSA)

865. ● AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233; 45 CFR 435; 45 CFR 436

Legal Deadline: NPRM, Statutory, September 30, 1988.

Abstract: This NPRM rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the Six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10, the recoupment of overpayment, or because the payment is determined to be zero as a result of rounding.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA07

866. STANDARDS FOR CHILD SUPPORT ENFORCEMENT PROGRAM OPERATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; 42 USC 652(h); 42 USC 652(i)

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304; 45 CFR 305; 45 CFR 306; 45 CFR 307

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, August 1, 1989.

Abstract: These proposed regulations will revise requirements and program standards to streamline and improve case processing within the IV-D agency. Specific standards and timeframes will be proposed for certain actions required to be taken in processing a IV-D case. Timeframes for distribution of collections will also be proposed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Allred, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5369

RIN: 0970–AA16

867. CHILD SUPPORT ENFORCEMENT AUDIT REGULATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 603(h); 42 USC 604(d); 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 1302

CFR Citation: 45 CFR 305

Legal Deadline: None

Abstract: OCSE is proposing to amend the current program regulations governing child support program audits. These proposed rules would streamline the current audit process and requirements and make corrections to certain inaccuracies in the audit regulations. In addition, we propose to add new performance indicators and update the scoring system.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4841
NPRM Comment Period End	04/03/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Elizabeth Matheson, Chief, Policy Branch, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5362

RIN: 0970–AA17

868. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 657; 42 USC 1302

CFR Citation: 45 CFR 302.51; 45 CFR 302.32

Legal Deadline: None

Abstract: OCSE is proposing to revise the child support enforcement program regulations governing the distribution of child support collections. These proposed rules would clarify the requirements that State child support enforcement agencies must adhere to when distributing collections in IV-D cases.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5365

RIN: 0970–AA18

869. ALIEN VERIFICATION PROCEDURES FOR AFDC, STATE ADMINISTERED ADULT ASSISTANCE AND MEDICAID PROGRAMS; NOTICE OF PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: PL 99-603; Sec 121 Immigration and Reform Act of 1986

CFR Citation: 45 CFR 233; 42 CFR 435; 45 CFR 205; 45 CFR 433; 42 CFR 436

Legal Deadline: NPRM, Statutory, October 1, 1987.

Abstract: Immigration Reform and Control Act imposes new procedures on the AFDC, Adult Assistance Programs and Medicaid to verify immigration status of aliens applying for benefits under these programs with the Immigration and Naturalization Service. Under the law, States must be reimbursed at 100% for costs of their implementation and operation to access the alien status verification system. This regulation will specify what costs incurred by States will be subject to 100% reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: INS must establish an alien verification system that can be accessed by States by October 1, 1987. States may claim 100% reimbursement for implementing and operating SAVE beginning October 1, 1987.

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA41

870. EXCLUSION OF INDIAN TRUST FUNDS AND ALASKA NATIVE CLAIMS SETTLEMENT ACT DISTRIBUTIONS

Significance: Regulatory Program

Legal Authority: PL 97-458, Sec 4; PL 98-64, Sec 2; PL 100-241, Sec 15

CFR Citation: 45 CFR 233.20(a)(4)(ii)(n); 45 CFR 233.20(a)(4)(ii)(o); 45 CFR 233.20(a)(4)(ii)(e); 45 CFR 233.20(a)(4)(ii)(k)

Legal Deadline: None

Abstract: Would update current regulations by adding statutory exclusions for certain per capita distributions of Indian judgment funds and other funds held in trust by the Department of Interior, and initial purchases made with such funds. Additionally, would exclude the following types of distributions received from a Native Corporation pursuant to the Alaska Native Claims Settlement Act. (1) Cash to the extent that it does not in the aggregate, exceed $2,000 per individual per annum; (2) Stocks; (3) A partnership interest; (4) Land or an interest in land; and (5) An interest in a settlement trust. Regulations would reflect the statutes; therefore, no alternatives are being considered. We estimate that the Federal share of the cost of the trust funds exclusions required under PL 97-458 and PL 98-64 would be $696,960 per year, the Federal share of the cost of the Alaska Native Claims Settlement Act exclusions required under PL 100-241 would be $1,878,108 per year. Therefore, the annual result would be a cost of $3,575,068.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	04/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA47

871. COOPERATION TO PURSUE THIRD PARTY HEALTH COVERAGE

Significance: Regulatory Program

Legal Authority: Sec 402(a)(26); The Social Security Act as amended by Sec 12304;; The Consolidated Omnibus Budget Reconciliation Act of 1985

CFR Citation: 45 CFR 232.13; 45 CFR 232.40; 45 CFR 232.41; 45 CFR 232.42; 45 CFR 232.43; 45 CFR 232.44; 45 CFR 232.45; 45 CFR 232.47; 45 CFR 232.48; 45 CFR 232.49; 45 CFR 234.60; 45 CFR 235.70

Legal Deadline: None

Abstract: The proposed rules specify that as a condition of eligibility for AFDC, each applicant or recipient must cooperate with the State by identifying and providing information to assist the State in pursuing any third party who may be liable to pay for care and services available under the State's plan for medical assistance under title XIX, unless such individual has good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	05/01/89	
Final Action	11/01/89	
Final Action Effective	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA49

872. OMNIBUS BUDGET RECONCILIATION ACT OF 1987

Significance: Agency Priority

Legal Authority: PL 100-203,; Sec 9133 The Omnibus Budget Reconciliation Act of 1987

CFR Citation: 45 CFR 233.53; 45 CFR 235.111; 45 CFR 233.20(a)(3)(x)

Legal Deadline: None

Abstract: These proposed rules implement sections of the Omnibus Budget Reconciliation Act regarding the support and maintenance disregard, the optional fraud control program, and treatment of foster care payments.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA56

873. SERVICES TO POST-AFDC AND MEDICAID ONLY FAMILIES

Significance: Agency Priority

Legal Authority: 42 USC 654(4); 42 USC 654(5); 42 USC 657(c)

CFR Citation: 45 CFR 301.1; 45 CFR 302.31; 45 CFR 302.33; 45 CFR 302.70; 45 CFR 302.51; 45 CFR 303.72; 45 CFR 303.102; 45 CFR 304.20; 45 CFR 306.50; 45 CFR 306.51

Legal Deadline: None

Abstract: This regulation would implement section 9141 of P.L. 100-203, the Omnibus Budget Reconciliation Act of 1987 under which child support agencies are required to continue to provide IV-D services to persons no longer eligible for AFDC without requiring an application or payment of an application fee. It also implements section 9142 of P.L. 100-203 which requires child support agencies to provide IV-D services to all families with an absent parent who receive Medicaid and have assigned their rights to medical support to the State.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan, Program Specialist, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5375

RIN: 0970–AA61

874. ● IMMEDIATE WAGE WITHHOLDING, REVIEW AND MODIFICATION OF ORDERS, MANDATORY AUTOMATED SYSTEMS AND MONTHLY NOTICE OF SUPPORT COLLECTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 654(5); 42 USC 654(16); 42 USC 654(24); 42 USC 666

CFR Citation: 45 CFR 302.54; 45 CFR 302.70; 45 CFR 302.85; 45 CFR 303.4; 45 CFR 303.100

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States: (1) by November 1990, to require immediate income withholding in all cases receiving services under title IV-D of the Social Security Act with new or modified orders unless there is an alternative arrangement; (2) to develop automated tracking and monitoring systems by October 1, 1995, when enhanced funding will be eliminated; (3) to review support orders in IV-D cases by October 1993 at least every 36 months and modify the support orders in accordance with support guidelines, as appropriate; and (4) to send monthly as opposed to annual notices of the amount of support collected to AFDC families.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Betsy Matheson, Chief, Policy Branch, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5362

RIN: 0970–AA63

875. ● $50 DISREGARD, PATERNITY ESTABLISHMENT AND MANDATORY GUIDELINES

Significance: Agency Priority

Legal Authority: 42 USC 654(6); 42 USC 655(a)(1); 42 USC 657(b)(1); 42 USC 666(a)(5); 42 USC 667

CFR Citation: 45 CFR 302.50; 45 CFR 302.51; 45 CFR 302.53; 45 CFR 302.56; 45 CFR 302.70; 45 CFR 303.5; 45 CFR 303.7; 45 CFR 303.100; 45 CFR 304.20

Legal Deadline: None

Abstract: This regulation implements certain provisions of the Family Support Act of 1988 (P.L. 100-485). It requires States to use guidelines as a rebuttable presumption in setting support awards; clarifies that the $50 disregard be paid to the family if the support is paid on time; clarifies that State laws and procedures must provide for paternity establishment of any child for whom a paternity action was previously dismissed under a statute of limitations of less than 18 years; provides 90 percent federal funding of laboratory costs in establishing paternity; and requires genetic testing in contested paternity establishment cases upon request by any party.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Craig Hathaway, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5367

RIN: 0970–AA64

876. ● CHILD SUPPORT PROGRAM; STATE PLAN REQUIREMENTS

Significance: Regulatory Program

Legal Authority: PL 100-485

CFR Citation: 45 CFR 2322

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The proposed rule will emphasize the role and the responsibility of the AFDC applicant/recipient in the establishment of paternity and the enforcement of child support obligations.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	
NPRM Comment Period End	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA66

877. ● JOBS PARTICIPANT EMPLOYMENT PROTECTION

Significance: Regulatory Program

Legal Authority: 42 USC 602; 42 USC 682; 42 USC 684(d)(1); 42 USC 684(d)(2)

CFR Citation: 45 CFR 251

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.

Abstract: The Family Support Act of 1988 (PL 100-485) establishes the JOBS program under title IV-A of the Social Security Act. Associated with the program are workers' issues, such as working conditions, tort claims protection, workers' compensation and displacement. The legislation, (PL 100-485) requires that necessary protections be provided for program participants.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	
NPRM Comment Period End	05/28/89	
Final Action	10/13/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Callahan, Acting Director, Div. of Special Initiatives, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-4979

RIN: 0970–AA67

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878. ● JOB OPPORTUNITY AND BASIC SKILLS (JOBS) TRAINING PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 602(a)(19)(g); 42 USC 602(g); 42 USC 603(e); 42 USC 603(k); 42 USC 603(l)

CFR Citation: 45 CFR 250

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.

Abstract: Current regulations provide for a number of work and training programs. Some States have designed their own programs. Many of the Federal provisions have been optional and State funding has not always permitted such programs. Lack of child care transportation, and other support services have often proved to be barriers to receiving education, training, as well as arranging and maintaining employment. The Family Support Act (Public Law 100-485), which was signed 10/13/88, establishes under title IV-F of the Social Security Act, the Job Opportunities and Basic Skills (JOBS) training program. JOBS' purpose is to assure that needy families with children obtain the education, training, and employment that will help them avoid long term dependence. The legislation mandates that all States implement a JOBS program by October 1, 1990.

Timetable:

Action	Date	FR Cite
NPRM	04/13/89	
NPRM Comment Period End	05/28/89	
Final Action	10/13/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Agency Contact: Mark Ragan, Branch Chief, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5137

RIN: 0970–AA68

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879. ● RELATED AFDC AMENDMENTS UNDER THE FAMILY SUPPORT ACT OF 1988 -- RESPONSIBILITIES OF THE STATE

Significance: Regulatory Program

Legal Authority: PL 100-485, Sec 401(a); PL 100-485, Sec 402; PL 100-485, Sec 403; PL 100-485, Sec 601; PL 100-485, Sec 604(a)(3)

CFR Citation: 45 CFR 201.1(g); 45 CFR 205.44(b); 45 CFR 205.44(c); 45 CFR 205.44(e); 45 CFR 232.2; 45 CFR 233.20(a)(3)(xiii); 45 CFR 233.20(a)(6)(xi); 45 CFR 233.20(a)(11)(i)(B); 45 CFR 233.20(a)(11)(i)(C); 45 CFR 233.20(a)(11)(i)(D); 45 CFR 233.20(a)(11)(ii)(B); 45 CFR 233.20(a)(11)(vii); 45 CFR 233.100; 45 CFR 233.107

Legal Deadline: None

Abstract: Would make the following changes required by the Family Support Act: (1) Require all States to provide benefits for families with unemployed parents and provide at least 6 months of coverage; (2) Increase the standard work expense disregard to $90; (3) Increase the limit on the dependent care disregard to $175 ($200 for a child under 2); (4) Disregard earned income tax credit payments; (5) Allow States to require as a condition of eligibility that minor mothers who have never married live in a place of residence maintained by a parent, legal guardian or other adult-supervised living arrangement; (6) Adds American Samoa to the jurisdictions authorized to develop and operate an AFDC program and includes American Samoa within the quality control system and subjects it to the same error rate tolerances and sanctions that are applicable to other territorial jurisdictions.(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUED: (7) Make States responsible for assuring that benefits and services under IV-A, IV-D, and IV-F are furnished in an integrated manner and re-enforce the role and responsibility of the State in obtaining the cooperation of the applicant/recipient in the establishment of paternity and the enforcement of child support obligations.

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA69

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880. ● DISREGARD OF BONA FIDE LOANS, STUDENT ASSISTANCE UNDER THE HIGHER EDUCATION TECHNICAL AMENDMENTS ACT OF 1987, AND COMPENSATION UNDER THE CIVIL LIBERTIES ACT OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-50; PL 100-383

CFR Citation: 45 CFR 233.20(a)(4)

Legal Deadline: None

Abstract: Would add the following income and resource disregards to the regulations: (1) Disregard of Bona Fide Loans; (2) Disregard of Student Financial Assistance under title IV of the Higher Education Act or under Bureau of Indian Affairs Student Assistance Programs that is made

available for attendance costs; (3) Disregard of Compensation to individuals of Japanese ancestry, and residents of the Aleutian and Pribilof Islands who were interned during World War II.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA70

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Family Support Administration (FSA)

Final Rule Stage

881. SCOPE OF PAYMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1102; 42 USC 602

CFR Citation: 45 CFR 233.20(a)(2)(i); 45 CFR 233.20(a)(2)(v); 45 CFR 233.120

Legal Deadline: None

Abstract: These proposed regulations would clarify that States may not provide simultaneous multiple shelter allowances or special need allowances to recipients under Titles I, IV-A, X, XIV, and XVI of the Social Security Act based on the type of housing in which they reside. Also, these regulations would limit Federal matching under the Emergency Assistance program to one 30-day period in twelve consecutive months and would require States to specify the maximum amount of assistance to be provided for each type of emergency.

Timetable:

Action	Date	FR Cite
NPRM	12/14/87	52 FR 47420
NPRM Comment Period End	01/28/88	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Additional Information: Split off from Regulation on Administrative Improvement in the AFDC Program (RIN 0960-AB72).

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA00

882. RETROACTIVE MODIFICATION OF CHILD SUPPORT ARREARAGES

Legal Authority: PL 99-509, Sec 9103

CFR Citation: 45 CFR 302; 45 CFR 303; 45 CFR 304

Legal Deadline: None

Abstract: This regulation requires, as a result of the Omnibus Budget Reconciliation Act of 1986, that child support payments be judgments on and after the day they fall due as well as requires that States have procedures to prohibit the retroactive modification of child support arrearages.

Timetable:

Action	Date	FR Cite
NPRM	09/14/87	52 FR 34689
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Michael Fitzgerald, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, DC 20447, 202 252-5366

RIN: 0970–AA03

883. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 205.40(a)(8)

Legal Deadline: None

Abstract: This rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal statutes and regulations when a state plan is not amended to reflect new federal rules.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	50 FR 25269
NPRM Comment Period End	08/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA04

884. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 98-369 The Deficit Reduction Act of 1984; PL 99-514 The Tax Reform Act of 1986

CFR Citation: 45 CFR 233.36; 45 CFR 237.50; 45 CFR 238.18; 45 CFR 238.20; 45 CFR 238.50; 45 CFR 239.12; 45 CFR 239.14; 45 CFR 239.16; 45 CFR 239.24; 45 CFR 239.58; 45 CFR 239.82; 45 CFR 233.10; 45 CFR 233.90; 45 CFR 232.20; 45 CFR 233.35; ...

Legal Deadline: None

Abstract: The final regulations will clarify provisions first published in the

Interim Final Rules implementing the Deficit Reduction Act of 1984 and as clarified by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA06

885. CONSISTENCY FOR THE FOOD STAMP PROGRAM, AFDC PROGRAM, AND THE ADULT ASSISTANCE PROGRAMS

Significance: Regulatory Program

Legal Authority: 42 USC 1302; Sec 1102, 49 Stat. 647

CFR Citation: 45 CFR 205.10(a)(4)(ii); 45 CFR 233.31(b); 45 CFR 233.20(a)(6)(v)(B); 45 CFR 205.10(a)(7); 45 CFR 205.10(a); 45 CFR 205.52; 45 CFR 233.20(a)(3)(ii)(D); 45 CFR 233.20(a)(3)(iii)

Legal Deadline: None

Abstract: The Final rule will provide increased consistency in eligibility policies and procedures between the AFDC and Food Stamp programs, within existing statutory requirements. The aim is to improve and simplify program administration and ease the burden placed upon the State agencies and individuals applying for assistance.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/85	50 FR 6970
ANPRM Comment Period End	04/22/85	50 FR 6970
NPRM	09/29/87	52 FR 36546
NPRM Comment Period End	11/30/87	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5116

RIN: 0970–AA08

886. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; GENERAL ADMINISTRATION — PUBLIC ASSISTANCE PROGRAM — QUALITY CONTROL SYSTEM

Significance: Agency Priority

Legal Authority: 42 USC 1302; PL 97-248

CFR Citation: 45 CFR 205.44

Legal Deadline: None

Abstract: These proposed rules amend the QC regulations under the AFDC program by establishing more definitive criteria to be used in determining whether waivers will be granted to states that fail to meet the statutory error standard.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 21
NPRM Comment Period End	04/03/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Agency Contact: Sean Hurley, Director, Division of Quality Control, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Plaza Promenade, SW, Washington, DC 20447, 202 252-5075

RIN: 0970–AA11

887. COOPERATIVE AGREEMENTS

Significance: Agency Priority

Legal Authority: 42 USC 1302; 42 USC 654(7); 42 USC 652

CFR Citation: 45 CFR 302.34; 45 CFR 303.107; 45 CFR 304.22; 45 CFR 305.34

Legal Deadline: None

Abstract: The regulation specifies provisions that must be contained in all cooperative agreements between IV-D agencies and courts and law enforcement agencies.

Timetable:

Action	Date	FR Cite
NPRM	10/05/88	53 FR 39110
NPRM Comment Period End	12/05/88	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan, Program Specialist, Office of Child Support Enforcement, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, SW, Washington, D.C.20447, 202 252-5375

RIN: 0970–AA50

888. TARGETING OF, AND TOLERANCES FOR, INCOME AND ELIGIBILITY VERIFICATION SYSTEM DATA

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 9101 Omnibus Budget Reconciliation Act of 1986

CFR Citation: 45 CFR 205.56

Legal Deadline: None

Abstract: These rules make revisions to the regulations designed to incorporate changes made by Section 9101 of PL 99-509, which amended Section 1137 of the Social Security Act to allow States flexibility in targeting uses of data through the Income and Eligibility Verification System. States will not be required to verify and act on all data. This changes earlier regulations which required 100% verification and allows the States the option to target their uses to those identified in the State Plan as most likely to be productive.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/29/88	53 FR 52709
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diann Dawson, Director, Division of Policy, Office of Family Assistance, Department of Health and Human Services, Family Support Administration, 370 L'Enfant

HHS—FSA **Final Rule Stage**

Promenade, S.W., Washington, D.C. 20447, 202 252-5116

RIN: 0970–AA58

889. AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES; CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION II

Significance: Regulatory Program

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.612; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.624; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Legal Deadline: None

Abstract: This final rule changes regulations of 45 CFR 95.600, et seq., to reduce the amount of time necessary to review and respond to State and local agency requests for FFP. The reduction in process time will be accomplished by streamlining the review process and requiring fewer points of prior approval for smaller expenditures by the Department.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35454
NPRM Comment Period End	11/30/87	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ron Lentz, Management Analyst, Department of Health and Human Services, Family Support Administration, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, 202 252-4795

RIN: 0970–AA59

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Completed Actions

Family Support Administration (FSA)

890. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADMINISTRATIVE IMPROVEMENT IN THE AFDC PROGRAM

Significance: Regulatory Program

CFR Citation: 45 CFR 205; 45 CFR 224; 45 CFR 232; 45 CFR 233; 45 CFR 238

Completed:

Reason	Date	FR Cite
Withdrawn - superseded by provisions of Family Support Act of 1988.	01/19/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Diann Dawson 202 252-5116

RIN: 0970–AA09

891. REFUGEE RESETTLEMENT PROGRAM; REFUGEE CASH AND ASSISTANCE; REQUIREMENTS FOR JOB SEARCH, EMPLOYMENT SERVICES, AND EMPLOYMENT; REFUGEE MEDICAL ASSISTANCE; AND REFUGEE SOCIAL SERVICES

Significance: Agency Priority

CFR Citation: 45 CFR 400

Completed:

Reason	Date	FR Cite
Final Action	02/03/89	54 FR 5463
Final Action Effective	07/01/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip A. Holman 202 252-4566

RIN: 0970–AA10

892. ESSENTIAL PERSONS

Significance: Regulatory Program

CFR Citation: 45 CFR 233.20

Completed:

Reason	Date	FR Cite
Final Action	01/24/89	54 FR 3448

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Diann Dawson 202 252-5116

RIN: 0970–AA44

893. FEDERAL TAX REFUND OFFSET PROCESS - PRE-OFFSET NOTICE FEE

Significance: Agency Priority

CFR Citation: 45 CFR 303.72

Completed:

Reason	Date	FR Cite
Final Action	11/25/88	53 FR 47708
Final Action Effective	11/25/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Andrew Hagan 202 252-5375

RIN: 0970–AA52

894. EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM; INTERIM FINAL RULE WITH REQUEST FOR COMMENTS

CFR Citation: 45 CFR 1080; 45 CFR 96.12; 45 CFR 96.14; 45 CFR 96C; 45 CFR 96E; 45 CFR 96F

Completed:

Reason	Date	FR Cite
Final Action	02/09/89	54 FR 6368
Final Action Effective	02/09/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Fox 202 475-0418

RIN: 0970–AA57

[FR Doc. 89-7775 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-89-1944; FR-2627]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into four groups: (i) Prerulemaking actions, (ii) publications or other implementations of notices of proposed rulemaking, (iii) publications or other implementations of final rules, and (iv) completed actions. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Priority rules include all regulations designated for priority development by the Department.

Items listed in this agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Government National Mortgage Association.

Dated: March 1, 1989.

Carolyn B. Lieberman,

Acting General Counsel.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
895	24 CFR 81.41 Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10

HUD

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
896	24 CFR 0000 Denial of Federal Benefits to Drug Traffickers and Possessors (S-2-89; FR-2612)	2501-AA81
897	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85; FR-2206)	2501-AA30
898	24 CFR 55 Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
899	24 CFR 56 Flood Insurance Requirements for Insurance, Loan, and Grant Programs (S-3-85; FR-2007)	2501-AA59
900	24 CFR 760 Verification of HUD Applicant and Participant Employment and Wage and Claim Justification (S-10-88; FR-2588)	2501-AA80

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
901	24 CFR 206 Home Equity Conversion Mortgage Insurance Demonstration (S-2-88; FR-2481)	2501-AA67
902	24 CFR 574 Comprehensive Homeless Assistance Plan (Implementation of 1988 McKinney Act Amendments) - (S-1-89; FR-2386)	2501-AA79
903	24 CFR 0000 Supplemental Assistance for Facilities to Assist the Homeless (S-3-89; FR-2585)	2501-AA82
904	24 CFR 17 Administrative Claim: Implementing Certain Provisions of the Debt Collection Act of 1982 (S-10-86; FR-1644)	2501-AA55
905	24 CFR 24 Debarment Suspension and Limited Denial of Participation--All- Cash Sales Exception (S-4-87; FR-2356)	2501-AA60
906	24 CFR 24 Implementation of the Drug-Free Workplace Act of 1988 (Common Rule)(S-11-88; FR-2598)	2501-AA78
907	24 CFR 58 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs (S-6-84; FR-1965)	2501-AA25
908	24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (S-7-87; FR-2383 (formerly FR-1588))	2501-AA63
909	24 CFR 200 Implementation of Sec. 165 of the HCD Act of 1987--Social Security Rule (S-4-88; FR-2501)	2501-AA72
910	24 CFR 203 Insurance of Price Level Adjusted Mortgages (Indexed Mortgages) (S-5-88; FR-2518)	2501-AA73
911	24 CFR 213 Temporary Disqualification of Certain Newly Legalized Aliens from Certain HUD Programs (S-12-88; FR-2600)	2501-AA77
912	00 CFR 000 Emergency Shelter Grants Program (Implementation of 1988 McKinney Act Amendments) - (S-6-88; FR-2562)	2501-AA74
913	24 CFR 18 Disallowance of Legal Fees; Litigation Controls for HUD Assistance Recipients (S-7-88; FR-2134)	2501-AA75

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
914	24 CFR 0003 Elimination of Obsolete Regulations (S-16-86; FR-2261)	2501-AA50
915	24 CFR 10 Amending Rules on Rules and FOIA Rules (S-3-87; FR-2320)	2501-AA57
916	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
917	24 CFR 0058 Environmental Review Procedures for the Community Development Block Grant, Rental Rehabilitation and Housing Development Grant Programs (S-13-86; FR-2316)	2501-AA39
918	24 CFR 14 Fair Housing; Implementation of the Fair Housing Amendments Act of 1988 (S-8-88; FR-2565)	2501-AA76

Office of Housing—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
919	24 CFR 203.2 Eligibility Requirements--Mortgagee Approval (H-13-88; FR-2453)	2502-AE37
920	24 CFR 3280 Manufactured Home Construction & Safety Construction on Siding & Roofing Materials & Application Criteria (H-8-87; FR2327)	2502-AE06

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Office of Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
921	24 CFR 0000 Criteria for Determining Unutilized or Underutilized Federal Property as Suitable for Facilities to Assist the Homeless (H-3-89; FR2620)	2502-AE68
922	24 CFR 50 Coinsurance of Equity Loans (H-37-88, FR2560)	2502-AE60
923	24 CFR 200 Authorize Additional Types of Loans for Direct Endorsement Processing (H-4-88; FR-2433)	2502-AE48
924	24 CFR 200 Changes to the Minimum Property Standards (H-40-88; FR-2599)	2502-AE64
925	24 CFR 201 Revised Underwriting and Loan Origination Requirements for Title I Manufactured Home Loans (H-5-89; FR2623)	2502-AE67
926	4 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
927	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
928	24 CFR 203.366 Mortgagee Charges for Serious Title Defects (H-28-87; FR-2368)	2502-AE11
929	24 CFR 203.400 Deadline for Filing Single Family Supplemental Claims (H-26-88; FR-2487)	2502-AE51
930	24 CFR 203 Action to Reduce Losses under FHA Single Family Mortgage Insurance Program (H-28-88; FR-2491)	2502-AE52
931	24 CFR 207 Limitation on Prepayment of Mortgages on Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
932	24 CFR 207 Method of Payment of Multifamily Insurance Claims (H-38-88; FR-2571)	2502-AE61
933	24 CFR 290 HUD-Owned and HUD-Held Multifamily Projects - Management and Disposition including Provision of Section 8 Assistance for Projects at Foreclosure (H-3-86; FR-2158)	2502-AD43
934	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations Interpretative Bulletins (H-31-87; FR-2380)	2502-AE10
935	24 CFR 791 Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds (S-10-84; FR-1896)	2502-AA73
936	24 CFR 882 Conforming Section 8 Existing Certificate Regulation to Housing Voucher Format (H-2-87; FR-2294)	2502-AD91
937	24 CFR 886.310 Miscellaneous Revisions of Part 886 (H-37-86; FR-2275)	2502-AD69
938	24 CFR 1710 Land Registration (H-21-86)	2502-AD54
939	24 CFR 3280.506 Manufactured Housing Energy Conservation Standards (H-29-88; FR-2497) 1987 HCD Act	2502-AE53
940	24 CFR 3280 Changes to the Manufactured Home Construction and Safety Standards from the CABO and MHCSS Committees and Others (H-4-89; FR-2622)	2502-AE66
941	24 CFR 3282 Manufactured Home Procedural and Enforcement System (H-40-86; FR-2278)	2502-AD60
942	24 CFR 3282 Manufactured Home Design Inspection System (H-41-86; FR-2279)	2502-AD61
943	24 CFR 3282.307(b) Manufactured Home Safety Standards - Monitoring Inspection Fee (H-2-89; FR-2613)	2502-AE65

Office of Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
944	00 CFR 000 Tenant Participation in Multifamily Projects (H-11-88; FR-2451) 1987 HCD Act	2502-AE35
945	00 CFR 000 Capital Improvement Flexible Subsidy Program: Loans 8 (H-34-88; FR-2541)	2502-AE55
946	00 CFR 000 Section 8 Certificate Program Project-Based Assistance (H-30-88; FR-2502)	2502-AE56
947	24 CFR 200 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24
948	24 CFR 200 Restrictions on All-Cash Sales (Amendment to Part 200) (H-30-87; FR-2374)	2502-AE12
949	24 CFR 201 Amendments to the Title I Regulations (H-19-87; FR2370)	2502-AE15
950	24 CFR 203 HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
951	24 CFR 203 Temporary Mortgage Assistance Payments (TMAP) and Assignments to HUD (H-44-85; FR-2147)	2502-AD34
952	24 CFR 203 Criteria for Acceptability of Insured 10-Year Protection Plans (H-28-86; FR-2036)	2502-AD65
953	24 CFR 203 Deregulation of Loan Origination Fees in FHA Single Family Housing (H-18-87; FR-2333)	2502-AD98
954	24 CFR 203 Allegany Reservation of the Seneca Nation (H-32-87; FR-2382)	2502-AE09
955	24 CFR 203 Single Family Mortgage Insurance - Occupant and Investor Mortgagors (H-16-88; FR-2456) 1987 HCD Act	2502-AE40
956	24 CFR 208 Computer Automation of Required Data for Certification and Recertifications Subsidy Billing Procedures for Certain Multifamily Subsidized Projects (H-2-88; FR-2421)	2502-AE26
957	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
958	24 CFR 50 Prepayment of Mortgages on Low- and Moderate-Income Housing (H-10-88; FR-2450) 1987 HCD Act	2502-AE34
959	24 CFR 280 Nehemiah Opportunity Grants Program (H-25-88; FR-2478) 1987 HCD Act	2502-AE45
960	24 CFR 882 Shared Housing in the Section 8 Moderate Rehabilitation Program (H-26-86; FR-2238)	2502-AD66
961	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
962	24 CFR 885 Loans for the Elderly or Handicapped - Housing for the Handicapped (H-23-88; FR-2476) 1987 HCD Act	2502-AE47
963	24 CFR 885 Loans for Housing for the Elderly or Handicapped Duration of Section 202 Fund Reservation (H-33-88; FR-2536)	2502-AE58

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Office of Housing—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
964	24 CFR 885.415 Loans for Housing for the Elderly or Handicapped Davis-Bacon Wage Rate (H-6-89; FR-2589)	2502-AE69
965	24 CFR 890 Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals (H-1-89; FR-2539)	2502-AE62
966	24 CFR 1710 Amendments to Interstate Land Sales Registration (H-47-86; FR-2503)	2502-AD81
967	24 CFR 3500 Real Estate Settlement Procedures Act -- Controlled Business Provisions and Miscellaneous Amendments (H-45-84; FR-1942)	2502-AC09

Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
968	00 CFR 000 HODAG 1987 Act Amendments (H-19-88; FR-2459)	2502-AE43
969	24 CFR 200 Minimum Property Standards (MPS) for Housing -- Water Supply Systems (H-31-86; FR-2255)	2502-AD64
970	24 CFR 203 Emergency Homeownership Counseling (H-20-88; FR-2460) 1987 HCD Act	2502-AE28
971	24 CFR 203 Disclosure of Annual Rate Changes of Adjustable Rate Mortgages (H-35-88; FR-2542)	2502-AE57
972	24 CFR 204.280 Claim Processing on Defaulted Coinsured Single-Family Mortgages (H-1-88; FR-2410)	2502-AE25
973	24 CFR 207 Revisions Relating to Full Insurance and Coinsurance of Existing Cooperatives (H-31-88; FR-2511)	2502-AE54
974	24 CFR 219 Flexible Subsidy Program; 1983 Amendments (H-50-84)	2502-AC31
975	24 CFR 219 Eligibility of Section 23 and Section 202 Housing for Flexible Subsidy (H-18-88; FR-2458) 1987 HCD Act	2502-AE42
976	24 CFR 221.55 Assignment Option (H-44-86)	2502-AD78
977	24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
978	24 CFR 735 Section 236 Rent Supplement (H-17-88; FR-2457) 1987 HCD Act	2502-AE41
979	24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
980	24 CFR 880 Section 8 Housing Assistance Payments Programs -- Revisions to Contract Rent Adjustment Regulations (H-22-88; FR-2469) 1987 HCD Act	2502-AE44
981	24 CFR 882 Interprogram Transfers of Assisted Tenants (H-8-88; FR-2436)	2502-AE32
982	24 CFR 885 Loans for the Elderly or Handicapped - Loan Interest Rate Provisions (H-24-88; FR-2477) 1987 HCD Act	2502-AE46
983	24 CFR 3280.308 Manufactured Home Construction and Safety Standards - Formaldehyde Regulations (H-10-87; FR-2332)	2502-AE02
984	24 CFR 3280.309 Notice of Formaldehyde; Manufactured Home Construction and Safety (H-23-87; FR2349)	2502-AE21

Office of Community Planning and Development—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
985	24 CFR 511 Rental Rehabilitation Program (CPD-11-88; FR-2558)	2506-AA88
986	24 CFR 570.488 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
987	24 CFR 570 Miscellaneous Revisions of Part 570 - 1987 HCD Act (CPD-5-88; FR-2493)	2506-AA84
988	24 CFR 570 Community Development Technical Assistance Program (CPD-1-89; FR2516)	2506-AA90

Office of Community Planning and Development—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
989	24 CFR 236 Uniform Relocation Act Amendments of 1987-- Technical Amendments (CPD-3-89; FR2624)	2506-AA92
990	24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
991	24 CFR 0570.511 Community Development Block Grant Program: Escrow Accounts (CPD-2-86; FR-2164)	2506-AA66
992	24 CFR 0570 Secretary's Discretionary Fund - Work Study Program (CPD-4-88; FR-2475) 1987 HCD Act	2506-AA81
993	24 CFR 570 Conserving Neighborhoods by Prohibiting Displacement (CPD-3-88; FR-2474) 1987 HCD Act	2506-AA82
994	24 CFR 0570 Implementation of Prohibition on Use of UDAG Grants for Business Relocation (CPD-6-88; FR-2500)	2506-AA86

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Office of Community Planning and Development—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
995	24 CFR 590 Urban Homesteading Program; Implementing of 1987 Statutory Amendments and Revision of Selected Program Procedures (CPD-1-88; FR-2461)	2506-AA79

Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
996	24 CFR 510.34 Removal of Risk Premium Provisions in Section 312 Program (CPD-9-88; FR-2553)	2506-AA87
997	24 CFR 0510 Personal Liability for Repayment on Section 312 Rehabilitation Loans (CPD-10-88; FR-2557)	2506-AA89
998	24 CFR 511.1 Rental Rehabilitation Grants (CPD-2-88; FR-2472)	2506-AA80
999	24 CFR 511 '88 Amendments--Rental Rehab Program (CPD-4-89; FR-2630)	2506-AA91
1000	24 CFR 570 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
1001	24 CFR 570 Urban Development Action Grant Applications from Consortia of Small Cities (CPD-6-87; FR2381)	2506-AA76

Government National Mortgage Association—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1002	24 CFR 390 Book-Entry Securities of GNMA (GNMA-2-85)	2503-AA03

Government National Mortgage Association—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1003	24 CFR 390 GNMA Mortgage-Backed Securities (GNMA-1-88; FR-2548)	2503-AA06

Government National Mortgage Association—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1004	24 CFR 390.17 GNMA Fees (GNMA-1-87; FR2395)	2503-AA05

Office of Fair Housing and Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1005	24 CFR 9.101 Nondiscrimination Based on Handicapped in Programs Conducted by HUD (FR-2163; FH&EO-2-85)	2529-AA28
1006	24 CFR 125 Fair Housing - Coordination of Executive Agency and Regulatory Agency Affirmative Administration of Programs in Connection with HUD (FH&EO-1-88; FR-2480)	2529-AA36

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Office of Fair Housing and Equal Opportunity—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1007	24 CFR 111 Redesign for Fair Housing Assistance Program (FHEO-2-87; FR-2403)	2529-AA33
1008	24 CFR 735 Conforming Amendments to HUD Rules to Comply with Sec. 504 of the Rehab Act and Other Authorities (FH&EO-3-88; FR-2531)	2529-AA38

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1009	24 CFR 0000 Nondiscrimination in Housing and Community Development Programs (FHEO-1-89; FR-2629)	2529-AA42
1010	24 CFR 105 Procedure for Processing Complaints under Section 810 of the Fair Housing Act (FHEO-5-88; FR-2563)	2529-AA40
1011	24 CFR 115 Recognition of Jurisdictions with Substantially Equivalent Fair Housing Laws (FHEO-1-88)	2529-AA31
1012	24 CFR 120 Community Housing Resource Board Program (FH&EO-4-88; FR-2561)	2529-AA39
1013	24 CFR 125 The Fair Housing Initiatives Program (FH&EO-2-88; FR-2486) 1987 HCD Act	2529-AA37

Office of Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1014	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01

Office of Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1015	48 CFR 24 HUD Acquisition Regulation (ADM-2-88; FR-2473)	2535-AA16

Office of Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1016	24 CFR 29 OMB Cir. A-110, Uniform Administrative Requirements for Grants and Agreements with Universities, Hospitals and Other Nonprofit Organizations (ADM-1-87; FR-2376)	2535-AA15
1017	48 CFR 2401 Revisions of HUDAR to Reflect Changes in GNMA Procurement Procedures (ADM-3-88; FR-2534)	2535-AA17

Office of Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1018	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10
1019	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

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Office of Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1018	48 CFR Chap. 24 Amendment of the HUD Acquisition Regulations (ADM-5-85; FR-2131)	2535-AA10
1019	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05

Office of Public and Indian Housing—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1020	00 CFR 000 Public Housing Drug Elimination Pilot Program (P-20-88; FR-2592)	2577-AA76
1021	24 CFR 0060 Determination of Wage Rates for Maintenance and Technical Employees of Public Housing Agencies and Indian Housing Authorities (P-10-88; FR-2211)	2577-AA68
1022	24 CFR 0913 Public and Indian Housing; Ceiling Rents (P-2-89; FR-2529) 1987 HCD Act	2577-AA57
1023	24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
1024	24 CFR 965.705 Lead-Based Paint Poisoning Prevention Act -- Stewart B. McKinney Homeless Assistance Act of 1988 -- Section 1088 (P-19-88; FR-2583)	2577-AA78
1025	24 CFR 989 PHA Obligations with respect to Residual Receipts in the Public Housing, Turnkey III, and Sec. 23 Programs; (P-2-87; FR2354; formerly H-27-87)	2577-AA49
1026	24 CFR 990 Performance Funding System Revisions (87 Act)--Formal Review Process Energy Conservation Savings, Audit Responsibilities (P-12-88; FR-2504)	2577-AA71

Office of Public and Indian Housing—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1027	24 CFR 970 Replacement Housing for Public Housing Demolition and Disposition (P-5-88; FR-2463) 1987 HCD Act	2577-AA58
1028	00 CFR 000 Implementation of Percentage Limit Provisions Under Section 16 of the United Housing Act of 1937 (P-7-88; FR-2465) 1987 HCD Act	2577-AA60
1029	24 CFR 905 Indian Housing Program--Revised Program Regulations (P-2-86; FR-2208)	2577-AA32
1030	24 CFR 905 Establishment of Preference for Elderly and Near Elderly Families (P-13-88; FR-2505)	2577-AA69
1031	24 CFR 960 Public Housing - Tenant Leases and PHA Grievance Hearings (P-26-79; FR-1164)	2577-AA18
1032	24 CFR 965.304 Individual Metering of Utilities of Existing PHA-Owned Projects (P-36-83; FR-1769)	2577-AA27
1033	24 CFR 965 PHA-Owned and Leased Project; Maintenance and Operation; Tenant Allowance for Utilities (P-8-86; FR-2260)	2577-AA40
1034	24 CFR 965 Change in Consolidated Supply Program (CSP) (P-11-88; FR2482)	2577-AA67
1035	24 CFR 968 Public Housing CIAP and Comprehensive Grant Program (P-8-88; FR-2488)	2577-AA66

Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1036	00 CFR 000 Limitation on Public Housing Development (P-6-88; FR-2464) 1987 HCD Act	2577-AA59
1037	24 CFR 813 Indian Housing Act of 1988 (P-16-88; FR-2538)	2577-AA70
1038	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-3-85; FR-2138)	2577-AA34
1039	24 CFR 968 Public and Indian Housing - Cost Containment Procedures (P-1-86; FR-2191)	2577-AA37
1040	24 CFR 905 Self-Help Homeownership Program (P-17-88; FR-2544)	2577-AA74
1041	24 CFR 906 Public Housing Homeownership Under Sec. 5(h) (P-1-89; FR-2609)	2577-AA75
1042	24 CFR 968 Public and Indian Housing Cost Containment Procedures - Comprehensive Improvement Assistance Program and Indian Housing (P-9-86; FR-2262)	2577-AA43
1043	24 CFR 968.12(i) Decontrol of Public Housing Authorities; CIAP Development (P-5-87; FR-2408)	2577-AA48
1044	24 CFR 968 Comprehensive Improvement Assistance Program--Special Purpose Modernization (P-18-88; FR-2545)	2577-AA72
1045	24 CFR 990 Revision to PFS - Insurance Costs (P-2-88; FR-2437) 1987 HCD Act	2577-AA56
1046	24 CFR 990 Annual Contributions for Operating Subsidy (P-21-88; FR-2593)	2577-AA77

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Prerule Stage

Office of the Secretary (HUDSEC)

895. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Legal Authority: 12 USC 1723a; 42 USC 3535(d)

CFR Citation: 24 CFR 81.41; 24 CFR 81.45

Legal Deadline: None

Abstract: This rule would amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and to remove the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7260**

RIN: 2501–AA10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of the Secretary (HUDSEC)

896. ● DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS (S-2-89; FR-2612)

Legal Authority: Not yet determined

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: Section 5301 permits courts to declare individuals convicted of drug trafficking and possession to be ineligible for certain Federal benefits for specified periods.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	
Final Action	09/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Edward Murphy, Associate General Counsel for Legislation &, Regs, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7093**

RIN: 2501–AA81

897. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85; FR-2206)

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Legal Deadline: None

Abstract: This rule proposes revisions in the regulations governing HUD's consideration of environmental factors in decision-making under HUD programs other than the Community Development Block Grant, Urban Development Action Grant, Rental Rehabilitation, and Housing Development Grant Programs. The rule is intended to reduce regulatory burdens and procedural details based on experience under the existing regulations; reflect field office reorganization; and implement sec. 535 of the Housing Act of 1949, as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Replaces RIN: 2506-AA10

Agency Contact: Walter Prybyla, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, **202 755-6611**

RIN: 2501–AA30

898. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Legal Authority: EO 11988; EO 11900; 42 USC 3535(d)

CFR Citation: 24 CFR 55; 24 CFR 50; 24 CFR 58; 24 CFR 200

Legal Deadline: None

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders. In addition, this rule would revise HUD's Minimum Property Standards for One and Two Family Dwellings to accord with Executive Order 11988 and FEMA's regulations for its National Flood Insurance Program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard H. Broun, Director, Office of Environment & Energy, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-7894**

RIN: 2501–AA23

899. FLOOD INSURANCE REQUIREMENTS FOR INSURANCE, LOAN, AND GRANT PROGRAMS (S-3-85; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Legal Deadline: None

HUD—HUDSEC **Proposed Rule Stage**

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving insurance, loans and grants.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Replaced RIN: 2502-AC76

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6611**

RIN: 2501–AA59

900. ● VERIFICATION OF HUD APPLICANT AND PARTICIPANT EMPLOYMENT AND WAGE AND CLAIM JUSTIFICATION (S-10-88; FR-2588)

Legal Authority: 42 USC 3544; PL 100-628

CFR Citation: 24 CFR 760; 24 CFR 813; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 900; 24 CFR 903; 24 CFR 905; 24 CFR 913; 24 CFR 960

Legal Deadline: Other, Statutory, September 30, 1989.
Section 904 statutorily takes effect on September 30, 1989 (although there is an early implementation option in the statute).

Abstract: The regulation implementing section 904 of the McKinney Amendments would require applicants and participants in certain HUD programs to sign consent forms permitting (1) HUD, PHA or owners responsible for determining eligibility for or level of benefits to verify employee income information with previous or current employers, and (2) HUD or the PHA to request wage and claim information from a State unemployment agency. Signing the consent from would be a condition of eligibility or continuing eligibility for the covered program. The rule would provide limitations on the collection, maintenance, use, and dissemination of wage and claim information obtained from a State unemployment agency. Criminal and civil penalties are also specified.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis A. Raschka, Director, Fraud Control Division, Department of Housing and Urban Development, Office of the Inspector General, **202 426-6493**

RIN: 2501–AA80

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of the Secretary (HUDSEC)

901. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION (S-2-88; FR-2481)

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 417

CFR Citation: 24 CFR 206

Legal Deadline: None

Abstract: This regulation is intended to implement the Home Equity Conversion Mortgage demonstration program in order to meet the special needs of the elderly by permitting the conversion of a portion of accumulated home equity into liquid assets, and to encourage and increase the involvement of mortgagees and participants in the mortgage markets in the making and servicing of home equity conversion mortgages for elderly homeowners.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 43156
NPRM Comment Period End	12/27/88	53 FR 43156
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Judith V. May, Office of Economic Affairs, Department of Housing and Urban Development, Policy Development and Research, **202 755-5537**

RIN: 2501–AA67

902. ● COMPREHENSIVE HOMELESS ASSISTANCE PLAN (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (S-1-89; FR-2386)

Significance: Agency Priority

Legal Authority: PL 100-628

CFR Citation: 24 CFR 574

Legal Deadline: Final, Statutory, November 7, 1989.
Final rule has statutory deadline of November 7, 1989.

Abstract: A notice implementing the 1988 McKinney amendments to the CHAP was published on December 28, 1988. The notice, which provides for public comment, will form the basis for a final rule to be published by November 1989.

Timetable:

Action	Date	FR Cite
Notice	12/28/88	53 FR 52600
Final Action	11/07/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Don Patch, Director, Office of Block Grant Assistance, Department of Housing and Urban

Development, Office of Community Planning and Development, 202 755-6587

RIN: 2501–AA79

903. ● SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS (S-3-89; FR-2585)

Legal Authority: 24 USC 11301

CFR Citation: 24 CFR 0000

Legal Deadline: Final, Statutory, November 6, 1989.

Abstract: A program to provide: (1) assistance to cover costs in excess of assistance provided under the Emergency Shelter Grants and Supportive Housing Demonstration programs that are required to meet the special needs of certain homeless populations or to facilitate the transfer and use of public buildings to assist the homeless; or (2) comprehensive assistance for particularly innovative programs for or alternative methods of, meeting the immediate and long-term needs of the homeless. No funds were appropriated for this program in FY 1989.

Timetable:

Action	Date	FR Cite
NPRM	03/27/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edwin Stromberg, Office of Policy Development, Policy Development & Research, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-1520

RIN: 2501–AA82

904. ADMINISTRATIVE CLAIM: IMPLEMENTING CERTAIN PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-10-86; FR-1644)

Legal Authority: 42 USC 3711; 42 USC 3717; 42 USC 3535(d)

CFR Citation: 24 CFR 17

Legal Deadline: None

Abstract: This rule would make final an interim rule published in 1984, implementing the administrative offset and salary offset provisions of the Debt Collection Act of 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/84	49 FR 32346
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Previously listed as 2535-AA09. Includes: ADM-1-82.

Agency Contact: Samuel B. Rothman, Attorney Advisor, Office of Program Enforcement, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7184

RIN: 2501–AA55

905. DEBARMENT SUSPENSION AND LIMITED DENIAL OF PARTICIPATION--ALL- CASH SALES EXCEPTION (S-4-87; FR-2356)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This interim rule contains provisions of the common rule on Nonprocurement Debarment and Suspension which HUD could not adopt at the time that rule was published because of statutory requirements for congressional pre-publication review. These provisions relate to the application of debarment and suspension to foreign governments and organizations. The interim rule also deletes the exception for all cash sales at 24 CFR 24. The exception is being removed as a response to fraudulent practices experienced by the Department.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/88	53 FR 30049
Interim Final Rule Effective	10/01/88	53 FR 30049
Interim Final Rule Comments Due	10/11/88	53 FR 30049
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patricia Black, Assistant General Counsel for, Inspector General & Admin Proceedings, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7200

RIN: 2501–AA60

906. ● IMPLEMENTATION OF THE DRUG-FREE WORKPLACE ACT OF 1988 (COMMON RULE)(S-11-88; FR-2598)

Significance: Agency Priority

Legal Authority: PL 100-690

CFR Citation: 24 CFR 24

Legal Deadline: None

Abstract: This rule establishes drug-free workplace requirements for Federal contractors and grantees. OMB's Office of Federal Procurement Policy has the lead in developing a governmentwide common rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marylea Byrd, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-9886

RIN: 2501–AA78

907. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Legal Deadline: None

Abstract: This agenda item makes final two current interim rules. These rules provide policies and procedures by which assisted communities and participating States discharge Federal environmental review responsibilities. They also streamline and reduce environmental requirements. They include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) a definitive list of related statutes and authorities that

must be observed by grant recipients for the release of block grant funds as required by HUD legislation; and (3) additional provisions needed to conform with and implement innovative measures included in the HUD Amendments of 1981, such as the State-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by States; and (4) (CONT)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Interim Final Rule Effective	07/31/84	49 FR 23610
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT'D: provisions for extending and adopting the environmental procedures, including historic preservation requirements, to the programs established by title III of the Housing and Urban-Rural Recovery Act of 1983.

This item also provides for the extension of the rule to the new programs authorized by the Stewart B. McKinney Homeless Assistance Act - P.L. 100-77, as amended by P.L. 100-628.

Includes: RIN 2506-AA05 (CPD-21-81; FR-1027)

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, 202 755-6611

RIN: 2501–AA25

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908. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (S-7-87; FR-2383 (FORMERLY FR-1588))

Significance: Regulatory Program

Legal Authority: 42 USC 1436a

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 247; 24 CFR 812; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 887; 24 CFR 912

Legal Deadline: None

Abstract: This rule will implement section 214 of the Housing and Community Development Act of 1980, as amended in 1981, 1986, and 1988. That Act prohibits the Secretary from providing financial assistance to substantially all illegal aliens as well as to most classes of aliens admitted for temporary purposes. The restriction applies to the Public and Indian Housing programs, the Section 8 Housing Assistance Payments programs, the Rent Supplement program, the Section 236 program, and the Section 235 homeownership assistance program.

This rule will replace the rule published on April 1, 1986, which was not made effective, but has been withdrawn. This new rule will provide that alien status must be verified with the Immigration and Naturalization Service by the entity responsible for tenant selection (or for approval of a Section 235 mortgage application).

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41038
NPRM Comment Period End	12/19/88	53 FR 41038
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information:

ADDITIONAL CONTACT PERSON (Public and Indian Housing):

Edward Whipple, Director, Rental and Occupancy Branch, Office of Public Housing, (202) 426-0744

Agency Contact: James J. Tahash, Director, Program Planning Division, Office of Multifamily Hsg. Management, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2501–AA63

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909. IMPLEMENTATION OF SEC. 165 OF THE HCD ACT OF 1987–SOCIAL SECURITY RULE (S-4-88; FR-2501)

Legal Authority: 42 USC 3543

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 290; 24 CFR 750; 24 CFR 813; 24 CFR 840; 24 CFR 841; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 885; ...

Legal Deadline: None

Abstract: This rule would implement section 165 of the HCD Act of 1987 by providing for required disclosure of social security numbers by certain HUD program users, including applicants, managing principals, contractors, corporate officers, and other officials involved in HUD's FHA mortgage and loan insurance programs, rental assistance programs, and public housing programs.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40624
NPRM Comment Period End	12/16/88	53 FR 40624
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Edward Murphy, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7093

RIN: 2501–AA72

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910. INSURANCE OF PRICE LEVEL ADJUSTED MORTGAGES (INDEXED MORTGAGES) (S-5-88; FR-2518)

Legal Authority: 12 USC 1715z to 10

CFR Citation: 24 CFR 203; 24 CFR 220; 24 CFR 221; 24 CFR 234; 24 CFR 235

Legal Deadline: None

Abstract: This rule provides for the insurance of Price Level Adjusted Mortgages (PLAMs) which are intended to increase the availability of homeownership opportunities for homebuyers while protecting the FHA against default exposure.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23063
NPRM Comment Period End	08/03/84	49 FR 23063
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharmeen Dosky, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7055

RIN: 2501–AA73

HUD—HUDSEC

Final Rule Stage

911. ● TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM CERTAIN HUD PROGRAMS (S-12-88; FR-2600)

Significance: Agency Priority

Legal Authority: 8 USC 1255(h); 8 USC 1255(i)

CFR Citation: 24 CFR 213; 24 CFR 221; 24 CFR 237; 24 CFR 510; 24 CFR 511; 24 CFR 570

Legal Deadline: None

Abstract: This rule will complete the action necessary to implement section 201(a) of the Immigration Reform and Control Act (IRCA) of 1986 (100 Stat. 3394, 3401) for HUD programs. That Act authorized the Attorney General to identify the programs of Federal financial assistance to which the temporary disqualification of certain newly legalized aliens applies. The Attorney General issued a proposed rule in 1987 (52 FR 31784) listing numerous HUD programs. The Attorney General's revised rule on this subject is expected to be published in early 1989, requiring that HUD publish an implementing rule for effect no later than October 1989.

Timetable:

Action	Date	FR Cite
Final Action	07/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert S. Kenison, Associate General Counsel for Assisted, Housing and Community Development, Department of Housing and Urban Development, Office of the General Counsel, 202 426-5212

RIN: 2501–AA77

912. EMERGENCY SHELTER GRANTS PROGRAM (IMPLEMENTATION OF 1988 MCKINNEY ACT AMENDMENTS) - (S-6-88; FR-2562)

Legal Authority: PL 100-628

CFR Citation: 00 CFR 000

Legal Deadline: Final, Statutory, November 7, 1989.
Final rule has statutory deadline of November 7, 1989.

Abstract: A notice implementing the 1988 McKinney amendments to the ESG program was published on January 9, 1989. The notice, which provides for public comment, will form the basis for a final rule to be published by November 1989.

Timetable:

Action	Date	FR Cite
Notice	01/09/89	54 FR 750
Final Action	11/07/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Don Patch, Director, Office of Block Grant Assistance, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6587

RIN: 2501–AA74

913. DISALLOWANCE OF LEGAL FEES; LITIGATION CONTROLS FOR HUD ASSISTANCE RECIPIENTS (S-7-88; FR-2134)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 18

Legal Deadline: None

Abstract: This proposed rule will declare HUD policy regarding PHA legal expenses for litigation against HUD and prescribe limited litigation reporting procedures for HUD assistance recipients.

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43610
NPRM Comment Period End	12/27/88	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of the Secretary, 202 755-6713

RIN: 2501–AA75

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of the Secretary (HUDSEC)

914. ELIMINATION OF OBSOLETE REGULATIONS (S-16-86; FR-2261)

CFR Citation: 24 CFR 0003; 24 CFR 0043; 24 CFR 0052; 24 CFR 0130; 24 CFR 0200; 24 CFR 0203; 24 CFR 0205; 24 CFR 0207; 24 CFR 0209; 24 CFR 0210; 24 CFR 0211; 24 CFR 0213; 24 CFR 0215; 24 CFR 0220; 24 CFR 0221; ...

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Tim Coward 202 755-7055

RIN: 2501–AA50

915. AMENDING RULES ON RULES AND FOIA RULES (S-3-87; FR-2320)

CFR Citation: 24 CFR 10; 24 CFR 15; 24 CFR 1720

Completed:

Reason	Date	FR Cite
Withdrawn	01/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Grady J. Norris 202 755-7055

RIN: 2501–AA57

916. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

CFR Citation: 24 CFR 46

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

HUD—HUDSEC — Completed Actions

Agency Contact: Arthur S. Newburg 202 755-6230

RIN: 2501–AA15

917. ENVIRONMENTAL REVIEW PROCEDURES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT, RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAMS (S-13-86; FR-2316)

CFR Citation: 24 CFR 0058

Completed:

Reason	Date	FR Cite
Withdrawn - merged into RIN 2501-AA25 (FR-1965)	04/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles E. Thomsen 202 755-6611

RIN: 2501–AA39

918. FAIR HOUSING; IMPLEMENTATION OF THE FAIR HOUSING AMENDMENTS ACT OF 1988 (S-8-88; FR-2565)

Significance: Agency Priority

CFR Citation: 24 CFR 14; 24 CFR 105; 24 CFR 115

Completed:

Reason	Date	FR Cite
Final Action	01/23/89	54 FR 3232
Final Action Effective	03/12/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence D. Pearl 202 755-5288

RIN: 2501–AA76

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Prerule Stage

Office of Housing (OH)

919. ELIGIBILITY REQUIREMENTS–MORTGAGEE APPROVAL (H-13-88; FR-2453)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.2

Legal Deadline: None

Abstract: This rule would clarify HUD requirements for approval of partnerships as mortgagees for mortgage insurance programs. The current rule only mentions limited partnerships with one general partner. The new rule would explain approval conditions for other limited partnerships and general partnerships.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra Allison, Dir., Lender Approval & Recertification Div., Department of Housing and Urban Development, Office of Housing, 202 755-6924

RIN: 2502–AE37

920. MANUFACTURED HOME CONSTRUCTION & SAFETY CONSTRUCTION ON SIDING & ROOFING MATERIALS & APPLICATION CRITERIA (H-8-87; FR2327)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This Advance Notice of Proposed Rulemaking requests public comment on those portions of the Manufactured Home Construction and Safety Standards (Standards) that are applicable to the materials and application criteria for external coverings. The Department is concerned that certain siding and roofing materials, more common to conventional-type construction may not be compatible in important aspects with typical manufactured home construction. Consumer complaint information indicates that the current Standards do not address certain important problems areas.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AE06

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage

Office of Housing (OH)

921. ● CRITERIA FOR DETERMINING UNUTILIZED OR UNDERUTILIZED FEDERAL PROPERTY AS SUITABLE FOR FACILITIES TO ASSIST THE HOMELESS (H-3-89; FR2620)

Legal Authority: 42 USC 11411

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: This regulation would describe the criteria HUD uses to determine whether unutilized or underutilized Federal properties, described by other agencies in HUD-conducted surveys, are suitable for facilities to assist the homeless. This determination is the responsibility of HUD under the procedure in Section 501 of the McKinney Act for the identification and use of unutilized and

underutilized Federal property for facilities to assist the homeless.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Bourne, Director, Transitional Housing Development, Staff, Department of Housing and Urban Development, Office of Housing, 202 755-9075

RIN: 2502–AE68

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922. COINSURANCE OF EQUITY LOANS (H-37-88, FR2560)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248

Legal Deadline: None

Abstract: This rule implements the Preservation of Low Income Housing Act adopted by Congress to avoid the irreplaceable loss of income housing and irrevocable displacement of tenants due to the prepayment of FHA-insured mortgages covering subsidized projects. Pursuant to this enactment, the Secretary may offer the owner of an eligible multifamily project several inducements not to prepay the mortgage. One such inducement, provided by these regulations, is the insurance of an equity loan which the owner of the project may use as a vehicle to capture a portion of the project's appreciation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hamernick, Director, Multifamily Development, Department of Housing and Urban Development, Office of Housing, 202 755-6500

RIN: 2502–AE60

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923. AUTHORIZE ADDITIONAL TYPES OF LOANS FOR DIRECT ENDORSEMENT PROCESSING (H-4-88; FR-2433)

Significance: Agency Priority

Legal Authority: 12 USC 1709; 12 USC 1715(b)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to make the following types of mortgages eligible for processing through the direct endorsement program as (1) those insured under sections 222 and 203(k) and (2) those insured pursuant to section 238(c) of the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin, Dir., Office of Insured Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE48

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924. ● CHANGES TO THE MINIMUM PROPERTY STANDARDS (H-40-88; FR-2599)

Legal Authority: 12 USC 1701 to 1715z-18

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This proposed rule would amend 24 CFR Part 200 by (1) referencing the latest editions of private sector standards presently in the MPS; (2) standardizing requirements to control termites and wood decay; (3) removing Federal agency standards for solar energy and thermal insulation standards and referencing a model energy code instead; (4) relying on EPA approved local or State water purification systems with individual sources of unsafe water and (5) revising the time for periodic changes to the MPS.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Holman, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AE64

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925. ● REVISED UNDERWRITING AND LOAN ORIGINATION REQUIREMENTS FOR TITLE I MANUFACTURED HOME LOANS (H-5-89; FR2623)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This rule would amend the Title I regulations to require that: (1) the lender shall conduct a personal or telephone interview with the borrower to ascertain the accuracy and completeness of the credit application; (2) the manufactured home shall comply with federally prescribed site installation requirements; (3) the lender or its agent shall conduct a post-disbursement site inspection of the home to assure that the borrower and dealer certifications on the Placement Certificate are correct; and (4) the use of loan proceeds to finance the purchase of wheels and axles is prohibited.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Coyle, Director, Title I Insurance Div., Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502–AE67

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926. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 4 CFR 203

Legal Deadline: None

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at that time, the mortgagee will be expected to produce all the

supporting receipts, payment ledger records, etc.

Regulations will be changed to specify the retention period and the required file contents for records supporting single family claim payments and mortgagee reviews.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Insured Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AC50

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927. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: The new single family claims process provides for "random audits" of mortgagees' records when single family claims for insurance benefits are filed with HUD. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus an amount representing the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ann M. Sudduth, Chief, Insured Servicing Branch, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-7330

RIN: 2502–AC54

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928. MORTGAGEE CHARGES FOR SERIOUS TITLE DEFECTS (H-28-87; FR-2368)

Legal Authority: 12 USC 1710; 12 USC 1715(b); 12 USC 1709

CFR Citation: 24 CFR 203.366; 24 CFR 203.403

Legal Deadline: None

Abstract: Proposed rule is intended to impose graduated charges on mortgagees who convey FHA-insured properties to HUD with serious title defects. These charges would increase with the length of time required by the mortgagee to rectify the defects.

Exploring the base on which the graduated charges will be calculated; i.e., whether to use a percentage of the total insured claim or materials averages of daily holding costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jacqueline Campbell, Dir., Single Family Property Disposition, Division, Department of Housing and Urban Development, Office of Housing, 202 755-5740

RIN: 2502–AE11

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929. DEADLINE FOR FILING SINGLE FAMILY SUPPLEMENTAL CLAIMS (H-26-88; FR-2487)

Legal Authority: 12 USC 1710

CFR Citation: 24 CFR 203.400

Legal Deadline: None

Abstract: At present, there is no regulatory control over the time period during which mortgagees can submit applications for supplemental insurance benefits. The Department has instructed lenders to file these supplemental claims within one year of the date of the original insurance settlement. This information has so far been contained in the Instructions for Single Family Application for Insurance Benefits, Form HUD-27011. This rule will formalize the requirement that lenders follow this one-year filing period for supplemental claims.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert E. Falkenstein, Jr., Director, Single Family Servicing Div., Department of Housing and Urban Development, Office of Housing, 202 755-6672

RIN: 2502–AE51

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930. ACTION TO REDUCE LOSSES UNDER FHA SINGLE FAMILY MORTGAGE INSURANCE PROGRAM (H-28-88; FR-2491)

Legal Authority: 12 USC 1715b; 12 USC 1735f(1); PL 100-242, Sec 407

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule proposes to implement section 407 of the Housing and Community Development Act of 1987. Where, as a result of an annual review, the Secretary finds a mortgagee with a higher than normal default and claim rate, the Secretary shall require the mortgagee to submit a report with a plan for corrective action. Failure to submit the report or complete the plan for corrective action within the timeframe required may be cause for suspension of the mortgagee from participation in FHA programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Nistler, Deputy Asst. Sec. for Single Family Hsg., Department of Housing and Urban Development, Office of Housing, 202 755-6675

RIN: 2502–AE52

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931. LIMITATION ON PREPAYMENT OF MORTGAGES ON MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-15; PL 100-242, Sec 261

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886; 24 CFR 245; 24 CFR 277; 24 CFR 219; 24 CFR 231; 24 CFR 242; 24 CFR 244

Legal Deadline: None

Abstract: This rule would codify HUD policies for implementing section 250(a) and (b) of the National Housing Act, as added by section 433 of the Housing and Urban-Rural Recovery Act of 1983 and amended by section 261 of the Housing and Community Development Act of 1987. This rule would restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Similar restrictions will apply to termination of insurance. Where the Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment. Additional requirements imposed on the prepayment of multifamily project mortgages by Title II, Subtitle B of the Housing and Community Development Act of 1987 have been implemented by separate rulemaking (FR-2450; H-10-88; RIN: 2502-AE34).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, 202 755-3970

RIN: 2502–AC49

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932. ● METHOD OF PAYMENT OF MULTIFAMILY INSURANCE CLAIMS (H-38-88; FR-2571)

Significance: Agency Priority

Legal Authority: 12 USC 1735(a)

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 233; 24 CFR 236; 24 CFR 251; 24 CFR 255

Legal Deadline: None

Abstract: This proposed rule would revise the method of payment of insurance benefits on multifamily mortgages assigned or conveyed to the Secretary. The rule would invest the Secretary with the discretion to settle insurance claims in cash, in debentures, or in a combination of both, depending on which method the Secretary determines to be most cost effective at the time of payment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James B. Mitchell, Director, Financial Policy Division, Department of Housing and Urban Development, Office of Housing, 202 426-4325

RIN: 2502–AE61

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933. HUD-OWNED AND HUD-HELD MULTIFAMILY PROJECTS - MANAGEMENT AND DISPOSITION INCLUDING PROVISION OF SECTION 8 ASSISTANCE FOR PROJECTS AT FORECLOSURE (H-3-86; FR-2158)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; 12 USC 3706; 12 USC 3717; 12 USC 1713(k); 12 USC 1701z-11; 12 USC 1701z-12

CFR Citation: 24 CFR 290; 24 CFR 886; 24 CFR 27

Legal Deadline: None

Abstract: This proposed rule would amend HUD regulations to implement section 181 of the Housing and Community Development Act of 1987 and section 1010 of the Stewart B. McKinney Homeless Assistance Amendments of 1988. Section 181 expanded the scope of section 203 of the Housing and Community Development Amendments of 1978 to include projects that are subject to a HUD-held mortgage and are delinquent, under a workout agreement, or being foreclosed upon by HUD. HUD, when it is owner or mortgagee-in-possession, and the owner in other situations now covered by section 203 must, to the greatest extent possible, maintain all such occupied projects in decent, safe, and sanitary condition and maintain full occupancy and must also maintain all such projects for purposes of providing rental or cooperative housing for the longest feasible time. The statute directs HUD to provide not less than one of several specified forms of financial assistance to a purchaser other than HUD at foreclosure, or after sale by the Secretary. Section 1010 further amended section 203 to clarify which units in HUD-held unsubsidized projects (CONT'D)

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: (ABSTRACT CONT'D) must be preserved for low and moderate income tenants and to provide procedures under which local governments and designated State agencies have a right of first refusal to purchase HUD-owned multifamily housing projects.

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502–AD43

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934. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS INTERPRETATIVE BULLETINS (H-31-87; FR-2380)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule would amend the Manufactured Home Procedural and Enforcement Regulations in order to remove the issuance of Interpretative Bulletins from the rulemaking process. The purpose of this procedural modification is to promote efficiency in issuing Interpretative Bulletins so that important guidance can be provided to the manufactured housing industry in a timely manner.

HUD—OH

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AE10

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935. REVIEW OF APPLICATIONS FOR HOUSING ASSISTANCE AND ALLOCATION OF HOUSING ASSISTANCE FUNDS (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Legal Deadline: None

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains an explicit description of the allocation formula, including some modifications to the factors making up the formula; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and eliminates the requirements for local consultation in the allocation process. Part 791 would also be amended to consolidate local government submission requirements and HUD criteria for review of applications for housing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: Includes: H-4-81, FR-1512.

Agency Contact: Stephen Cooley, Office of Housing Policy, Department of Housing and Urban Development, Office of Housing, 202 755-6454

RIN: 2502–AA73

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936. CONFORMING SECTION 8 EXISTING CERTIFICATE REGULATION TO HOUSING VOUCHER FORMAT (H-2-87; FR-2294)

Significance: Regulatory Program

Legal Authority: 42 USC 1437f; PL 100-242, Sec 144; PL 100-242, Sec 145; PL 100-242, Sec 146; PL 100-242, Sec 147; PL 100-242, Sec 148; PL 100-242, Sec 149; PL 100-242, Sec 262

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This rule will revise the Section 8 Certificate Program regulations in Part 882 to conform them to the extent practicable to the closely-related Housing Voucher Program regulations in Part 887, to implement certain statutory amendments to the Program under the Housing and Community Development Act of 1987 and to propose certain revisions based on programmatic experience. It will also implement several recent statutory amendments affecting the Certificate and Housing Voucher Programs and those amendments affecting other Section 8 Programs with respect to contract rent adjustments. The rule will propose changes in the Certificate and Voucher Programs to authorize PHAs to terminate assistance for program participants who are trafficking in drugs or who commit other crimes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FR-2469 (RIN: 2502-AE44) and FR-2584 (RIN: 2502-AE63) have been merged into this item.

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-6887

RIN: 2502–AD91

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937. MISCELLANEOUS REVISIONS OF PART 886 (H-37-86; FR-2275)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f

CFR Citation: 24 CFR 886.310; 24 CFR 886.330; 24 CFR 886.331; 24 CFR 886.334; 24 CFR 886.322; 24 CFR 886.333; 24 CFR 886.122

Legal Deadline: None

Abstract: This proposed rule would amend Part 886, which governs procedures for additional assistance for projects with HUD-insured or HUD-held mortgages (Subpart A) and the Section 8 housing assistance payments program for the disposition of HUD owned projects (Subpart C). This rule would (1) modify the maximum monthly rent provisions of Subpart C to reflect Section 102(b)(7) of the Housing and Community Development Amendments of 1984; (2) amend the work write-up, cost estimate and cost certification provisions governing the rehabilitation of projects under Subpart C; and (3) make other miscellaneous changes to Part 886.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposal was originally included as part of FR-1950.

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502–AD69

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938. LAND REGISTRATION (H-21-86)

Legal Authority: 15 USC 1701

CFR Citation: 24 CFR 1710

Legal Deadline: None

Abstract: This rule would adjust the reporting and registering requirements for land registration and adjust the fee payment procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Lionel Cabrera, Chief, Land Sales Policy Examination Branch, Department of Housing and Urban

Development, Office of Housing, 202 755-6924

RIN: 2502–AD54

939. MANUFACTURED HOUSING ENERGY CONSERVATION STANDARDS (H-29-88; FR-2497) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 568

CFR Citation: 24 CFR 3280.506

Legal Deadline: None

Abstract: The regulation would revise the Department's thermal energy standards to comport with section 568's requirements that the Department's standards be "cost-effective energy conservation standards designed to ensure the lowest total of construction and operating costs."

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Donald R. Fairman, Chief, Standards and Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AE53

940. ● CHANGES TO THE MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS FROM THE CABO AND MHCSS COMMITTEES AND OTHERS (H-4-89; FR-2622)

Legal Authority: 42 USC 5401

CFR Citation: 24 CFR 3280

Legal Deadline: None

Abstract: This revision will contain updating of appropriate reference standards, some editorial changes and helpful clarifications and improvement of existing requirements. Major changes will deal with improved ventilation and condensation control, both within the units and in roof cavities. Roof truss testing procedures will be revised and new thermal criteria will be presented in conformance with the mandates of Section 568 of the Housing and Community Development Act of 1987. Other provisions may be added as this revision is prepared in 1989.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Donald R. Fairman, Chief, Standards & Products Branch, Department of Housing and Urban Development, Office of Housing, 202 755-5718

RIN: 2502–AE66

941. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT SYSTEM (H-40-86; FR-2278)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This rule would propose revisions to HUD enforcement regulations at 24 CFR Part 3282 to improve the effectiveness of Production Inspection Primary Inspection Agencies (IPIAs).

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17411

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AD60

942. MANUFACTURED HOME DESIGN INSPECTION SYSTEM (H-41-86; FR-2279)

Significance: Regulatory Program

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Legal Deadline: None

Abstract: This proposed rule will deregulate the current design inspection system on manufactured homes and substitute a procedure for manufacturer certification, among other revisions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman, Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AD61

943. ● MANUFACTURED HOME SAFETY STANDARDS - MONITORING INSPECTION FEE (H-2-89; FR-2613)

Legal Authority: 42 USC 5419

CFR Citation: 24 CFR 3282.307(b)

Legal Deadline: None

Abstract: States with a large number of manufacturing facilities have incurred additional expenses in monitoring and inspecting those facilities. As the regulation is now written, the monitoring inspection fee paid by the manufacturers to the Secretary is distributed to the states based on the number of new manufacturer housing units whose first location after leaving the plant is on the premises of a distributor, dealer, or purchaser in that state. 24 CFR 3282.307(b) will be amended to provide a more equitable distribution of the inspection fee proceeds that will take into account the additional expenses incurred by the states in which manufacturing facilities are located.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Holman, Director, Manufactured Housing &, Construction Standards Division, Department of Housing and Urban Development, Office of Housing, 202 755-5210

RIN: 2502–AE65

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Final Rule Stage

Office of Housing (OH)

944. TENANT PARTICIPATION IN MULTIFAMILY PROJECTS (H-11-88; FR-2451) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 183

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule provides for the applicability of the tenant participation requirements of section 202 of the HCDA of 1978 to section 202 elderly and handicapped projects. The rule also removes the Secretary's authority not to provide for tenant participation in certain owner actions and authorizes the application of the tenant participation requirements in the Secretary's proposal to sell a multifamily housing project.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Dir., Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE35

945. CAPITAL IMPROVEMENT FLEXIBLE SUBSIDY PROGRAM: LOANS 8 (H-34-88; FR-2541)

Significance: Regulatory Program

Legal Authority: 12 USC 1715z-1a

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule implements amendments made to section 201 of the Housing and Community Development Amendments of 1978 to broaden the categories of projects eligible for assistance under the Flexible Subsidy program and to create a program of loans for capital improvements to multifamily housing projects, under specified terms and conditions set out in the statute. The rule will make these changes effective in accordance with section 1011 of the McKinney Homeless Assistance Amendments Act of 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/89	54 FR 9708
Interim Final Rule Effective	03/07/89	54 FR 9708
Interim Final Rule Comment Period End	05/08/89	54 FR 9708
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502–AE55

946. SECTION 8 CERTIFICATE PROGRAM PROJECT-BASED ASSISTANCE (H-30-88; FR-2502)

Significance: Agency Priority

Legal Authority: 42 USC 1437f

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: Section 148 of the Housing and Community Development Act of 1987 amended section 8(d)(2) of the United States Housing Act of 1937 to require the Department to permit a PHA to attach not more than 15 percent of the section 8 Existing Housing Program assistance to existing structures if the owner agrees to rehabilitate the structure other than with assistance under the 1937 Act. Section 1005 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 requires the Department to permit PHA's to attach assistance, within the same 15 percent limit, to newly constructed units. This rule would implement these provisions by establishing a new Subpart G to 24 CFR Part 882 for project-based certification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/04/89	54 FR 230
Interim Final Rule	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and, Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502–AE56

947. APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 203

Legal Deadline: None

Abstract: Interim rule permits insured financing of properties with manufactured homes under Title II of the National Housing Act, as a means of broadening affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/24/83	48 FR 7731
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Carter, Director, Single Family Development, Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AB24

948. RESTRICTIONS ON ALL-CASH SALES (AMENDMENT TO PART 200) (H-30-87; FR-2374)

Legal Authority: 12 USC 1703; 12 USC 1715b

CFR Citation: 24 CFR 200

Legal Deadline: None

Abstract: This interim rule is intended to prohibit assumptors of a mortgage, or other persons purchasing property subject to a mortgage, on which an insured claim has been paid by the Department, from participating in a HUD "all cash public sale."

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John J. Coonts, Deputy Director, Office of Single Family, Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE12

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949. AMENDMENTS TO THE TITLE I REGULATIONS (H-19-87; FR2370)

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Legal Deadline: None

Abstract: This rule would involve the following revisions to the Title I loan insured program:(1) a requirement that affected new manufactured homes meet the thermal energy requirements in HUD's Minimum Property Standards; (2) restrictions on the use of loan proceeds for the acquisition of furniture; (3) a reduction in the length of hazard insurance coverage that can be financed; (4) an increase in the property improvement loan amount on which a security interest is required; and (5) the collection of a higher percentage of the loan insurance premium in the early years when the risks of default are greatest.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30697
NPRM Comment Period End	10/31/88	53 FR 39613
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert J. Coyle, Director, Title I Insurance Division, Department of Housing and Urban Development, Office of Housing, 202 755-6680

RIN: 2502–AE15

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950. HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Legal Deadline: None

Abstract: Proposed regulation to protect HUD against suits brought under the Federal Tort Claims Act claiming negligent inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12431
NPRM Comment Period End	06/13/88	53 FR 12431
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing Division, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AC92

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951. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP) AND ASSIGNMENTS TO HUD (H-44-85; FR-2147)

Significance: Agency Priority

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Legal Deadline: None

Abstract: Additional amendments to TMAP and Assignment rule are needed to reflect change in TMAP interest rate made by section 428 of the Housing and Community Development Act of 1987 and to assure that mortgagees inform mortgagors of the possible right to TMAP or assignment before they accept a deed in lieu of foreclosure from the mortgagor. (This rule was identified in earlier Agendas as RIN: 2502-AB79; H-29-81; FR-1415.)

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 216
NPRM Comment Period End	03/04/86	51 FR 216
Final Action	03/05/87	52 FR 6908
Revised Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AD34

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952. CRITERIA FOR ACCEPTABILITY OF INSURED 10-YEAR PROTECTION PLANS (H-28-86; FR-2036)

Significance: Agency Priority

Legal Authority: 12 USC 1709, Sec 203, 211; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule would revise the existing administrative criteria for acceptability of insured 10-year protection Plans (Plans). The Department began this proceeding by publishing a Notice informing the public that HUD intended to revise the criteria. This rule describes, among other things, criteria related to Plan acceptability, insurance and financial backing, Plan coverage, and methods for determining Plan obligations.

HUD acceptance of these Plans is a prerequisite to reduced inspection requirements on a property accepted for mortgage insurance before the commencement of construction. It is also a prerequisite to high loan-to-value insured financing for existing one-to-four family dwellings that are less than one year old and that were not approved and inspected by HUD or the Veterans Administration before the start of construction.

Timetable:

Action	Date	FR Cite
Notice of Solicitation Public Comments	11/14/84	49 FR 45075
NPRM	06/10/87	52 FR 21961
NPRM Comment Period End	08/10/87	52 FR 21961

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Martin, Director, Office of Insured, Single Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AD65

HUD—OH

Final Rule Stage

953. DEREGULATION OF LOAN ORIGINATION FEES IN FHA SINGLE FAMILY HOUSING (H-18-87; FR-2333)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: Origination fees in the FHA single family program will be deregulated, and the methods for determining mortgagor income would be revised.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15408
NPRM Comment Period End	06/28/88	53 FR 15408

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Morris E. Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, 202 755-6720

RIN: 2502–AD98

954. ALLEGANY RESERVATION OF THE SENECA NATION (H-32-87; FR-2382)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203

Legal Deadline: None

Abstract: This rule implements Public Law 99-601. The law authorizes the Secretary of HUD, notwithstanding any contrary requirements in the National Housing Act, to insure single family mortgages covering certain properties located on lands within the Allegany Reservation of the Seneca Indian Nation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/21/87	52 FR 48197
Interim Final Rule Comments	02/19/88	52 FR 48197
Interim Final Rule Effective	03/28/88	53 FR 9869
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Stephen Martin, Director, Office of Insured Single, Family Housing, Department of Housing and Urban Development, Office of Housing, 202 755-3046

RIN: 2502–AE09

955. SINGLE FAMILY MORTGAGE INSURANCE - OCCUPANT AND INVESTOR MORTGAGORS (H-16-88; FR-2456) 1987 HCD ACT

Legal Authority: 12 USC 1709; 12 USC 1715b

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 221; 24 CFR 222; 24 CFR 226; 24 CFR 233; 24 CFR 234; 24 CFR 235

Legal Deadline: None

Abstract: This rule would implement section 406 of the Housing & Community Development Act of 1987. Section 406 authorizes HUD (1) to insure single family mortgages under title II of the National Housing Act, or (2) to approve a substitute mortgagor for single family mortgages insured under title II, only if the mortgagor is to occupy the dwelling as a principal or secondary residence, as determined by HUD. Section 406 provides that this occupancy requirement only applies if the mortgage involve a principal obligation that exceeds 75 percent of the loan-to-value or equivalent calculation under the insuring authority involved. The action exempts from the occupancy requirement, mortgagors under the Rehabilitation Loan program under section 203(k) of the National Housing Act, and certain public entity, nonprofit, serviceperson, and other mortgagors under various National Housing Act activities.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38844
NPRM Comment Period End	12/02/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Morris Carter, Dir., Single Family Development Division, Department of Housing and Urban Development, Office of Housing, 202 755-6700

RIN: 2502–AE40

956. COMPUTER AUTOMATION OF REQUIRED DATA FOR CERTIFICATION AND RECERTIFICATIONS SUBSIDY BILLING PROCEDURES FOR CERTAIN MULTIFAMILY SUBSIDIZED PROJECTS (H-2-88; FR-2421)

Significance: Agency Priority

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 208

Legal Deadline: None

Abstract: This rule would require owners of certain multifamily subsidized projects to automate the information and transmission of HUD forms and worksheets for certification and recertification of compliance with HUD's tenant eligibility and rent procedures, and the computation of tenant rent/payment and the monthly subsidy billing forms, as applicable. This rule would apply to multifamily projects under the following program: section 236 rental assistance payments, section 8 housing assistance payments, section 221(d)(5), below market interest rate housing for low and moderate income mortgage insurance, and section 101 rent supplements.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20649
NPRM Comment Period End	07/21/88	53 FR 20649
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash, Director, Planning and Procedures Division, Department of Housing and Urban Development, Office of Housing, 202 426-3970

RIN: 2502–AE26

957. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 245

Legal Deadline: None

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to section 236 projects financed by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48276
NPRM Comment Period End	02/19/88	52 FR 48276
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502–AC73

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958. PREPAYMENT OF MORTGAGES ON LOW- AND MODERATE-INCOME HOUSING (H-10-88; FR-2450) 1987 HCD ACT

Legal Authority: PL 100-242; PL 100-628

CFR Citation: 24 CFR 50; 24 CFR 221; 24 CFR 236; 24 CFR 241; 24 CFR 248; 24 CFR 880; 24 CFR 881; 24 CFR 883

Legal Deadline: None

Abstract: The regulation implements provisions of the Housing and Community Development Act of 1987 that provide that mortgages on "eligible low income housing" may be prepaid only in accordance with a "plan of action" approved by the Secretary. The regulation establishes procedures for the submission and negotiation of such plans of action, lists incentives which may be part of the plan of action, and provides standards which the plans of action must meet. The regulation is designed to preserve needed low income housing in cases where the project owner might otherwise prepay its mortgage and convert the project to higher-income use.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/05/88	53 FR 11224
Interim Final Rule Effective Date	05/20/88	53 FR 11224
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Tahash, Director, Planning & Procedure Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Office of Housing, **202 426-3944**

RIN: 2502–AE34

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959. NEHEMIAH OPPORTUNITY GRANTS PROGRAM (H-25-88; FR-2478) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 611

CFR Citation: 24 CFR 280

Legal Deadline: None

Abstract: This rule would implement the Nehemiah Housing Opportunity Grants Program. Under this program HUD would provide assistance to private nonprofit organizations in the form of grants. The nonprofit organizations receiving grants would use the assistance to provide loans to families purchasing homes constructed or substantially rehabilitated under the program.

Timetable:

Action	Date	FR Cite
NPRM	11/08/88	53 FR 45216
NPRM Comment Period End	01/09/89	53 FR 45216
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Morris Carter, Director, Single Family Development Div., Department of Housing and Urban Development, Office of Housing, **202 755-6720**

RIN: 2502–AE45

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960. SHARED HOUSING IN THE SECTION 8 MODERATE REHABILITATION PROGRAM (H-26-86; FR-2238)

Significance: Agency Priority

Legal Authority: 42 USC 1437f(p); 42 USC 3535(d)

CFR Citation: 24 CFR 882

Legal Deadline: None

Abstract: This final rule will permit eligible applicants and tenants to share housing units with other eligible applicants or tenants in Section 8 Moderate Rehabilitation units, in accordance with the statutory directive in 42 USC 1437f(p). A proposed rule that included this program was published in 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period End	02/05/85	49 FR 48005

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, **202 755-6887**

RIN: 2502–AD66

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961. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule will amend HUD's regulations governing projects that received direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1987. The regulation adds regulatory provisions to govern section 202/8 project operations and management; incorporates changes required by statutory requirements governing housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46614
NPRM Comment Period End	02/08/88	52 FR 46614

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 426-3970**

RIN: 2502–AC03

HUD—OH

Final Rule Stage

962. LOANS FOR THE ELDERLY OR HANDICAPPED - HOUSING FOR THE HANDICAPPED (H-23-88; FR-2476) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 12 USC 1701g

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: Section 162 of the Housing and Community Development Act of 1987 authorizes a new type of assistance payments to be made to replace section 8 assistance payments made in connection with section 202 housing for the nonelderly handicapped. This rule would establish regulations for this program.

Timetable:

Action	Date	FR Cite
NPRM	11/02/88	53 FR 44288
NPRM Comment Period End	01/03/89	53 FR 44288
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Milner, Office of Policy, Financial Management, and Administration, Department of Housing and Urban Development, Office of Housing, 202 755-6742

RIN: 2502–AE47

963. LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DURATION OF SECTION 202 FUND RESERVATION (H-33-88; FR-2536)

Legal Authority: 12 USC 1701q

CFR Citation: 24 CFR 885

Legal Deadline: None

Abstract: This final rule amends HUD's regulations governing projects that receive direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1937. The rule amends 24 CFR 885.230, duration of section 202 fund reservation (1) to permit HUD's Regional Office to extend the duration of fund reservation by an additional 12 months and (2) to add procedures governing the appeal of HUD decisions to cancel section 202 fund reservation as required by section 161(2) of the Housing and Community Development Act of 1987 (Pub. L. 100-242 approved February 5, 1988).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Wilden, Director, Assisted Elderly & Handicapped, Housing Division, Department of Housing and Urban Development, Office of Housing, 202 426-8730

RIN: 2502–AE58

964. ● LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED DAVIS-BACON WAGE RATE (H-6-89; FR-2589)

Legal Authority: 12 USC 1701(q)(c)(3)

CFR Citation: 24 CFR 885.415; 24 CFR 885.420; 24 CFR 885.422

Legal Deadline: None

Abstract: This rule will implement a statutory change in the 202 direct loan program contained in sec. 162(b)(3) of the HCD Act of 1987, providing that Davis-Bacon wages are not required whenever a 202 Project contains 12 or fewer family units. (Before the Amendment, Davis-Bacon was applied to all section 202/8 projects, without regard to project size.)

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Justin Logsdon, Assistant to the Secretary for, Labor Relations, Department of Housing and Urban Development, Office of the Secretary, 202 755-5370

RIN: 2502–AE69

965. ● SECTION 8 MODERATE REHABILITATION PROGRAM FOR SINGLE ROOM OCCUPANCY DWELLINGS FOR HOMELESS INDIVIDUALS (H-1-89; FR-2539)

Significance: Agency Priority

Legal Authority: PL 100-77; PL 100-404

CFR Citation: 24 CFR 890

Legal Deadline: Final, Statutory, November 7, 1989. Other, Statutory. HUD is required to establish the requirements of this program by Notice within 60 days of enactment and by final rule within 12 months of enactment.

Abstract: The purpose of the Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals is to provide rental assistance for homeless individuals in rehabilitated SRO housing. A Notice of Fund Availability was published on January 9, 1989, to announce the availability of $45 million for the program and to establish the requirements for participation in the program for Fiscal Year 1989. The Notice serves as a Notice of Proposed Rulemaking and invites comments for a period of 60 days. A statutory deadline was set for issuance of a final rule by November 7, 1989.

Timetable:

Action	Date	FR Cite
Notice of Fund Availability	01/09/89	54 FR 758
Proposed Rule Cross-Reference	01/09/89	54 FR 769
Final Action	11/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, Office of Housing, 202 755-5720

RIN: 2502–AE62

966. AMENDMENTS TO INTERSTATE LAND SALES REGISTRATION (H-47-86; FR-2503)

Significance: Agency Priority

Legal Authority: 15 USC 1718; 42 USC 3535(d)

CFR Citation: 24 CFR 1710

Legal Deadline: None

Abstract: The Department is proposing to amend the regulatory exemption section of its regulations to provide further relief from registration requirements with no loss in consumer protection.

HUD—OH

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/12/88	53 FR 30443
NPRM Comment Period End	10/11/88	53 FR 30443
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Roger G. Henderson, Acting Director, Interstate Land, Registration Division, Department of Housing and Urban Development, Office of Housing, 202 755-0502

RIN: 2502–AD81

967. REAL ESTATE SETTLEMENT PROCEDURES ACT -- CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS AMENDMENTS (H-45-84; FR-1942)

Significance: Agency Priority

Legal Authority: 12 USC 2601; 12 USC 2607; PL 98-181

CFR Citation: 24 CFR 3500

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA, is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The rule will also contain miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	05/16/88	53 FR 17424
NPRM Comment Period End	07/15/88	53 FR 17424

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Grant E. Mitchell, Department of Housing and Urban Development, Office of the General Counsel, Office of Equal Opportunity and Admin. Law, 202 755-6550

RIN: 2502–AC09

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Housing (OH)

Completed Actions

968. HODAG 1987 ACT AMENDMENTS (H-19-88; FR-2459)

CFR Citation: 00 CFR 000

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jessica Franklin 202 755-6142

RIN: 2502–AE43

969. MINIMUM PROPERTY STANDARDS (MPS) FOR HOUSING -- WATER SUPPLY SYSTEMS (H-31-86; FR-2255)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2599 (RIN: 2502-AE64)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mark W. Holman 202 755-5210

RIN: 2502–AD64

970. EMERGENCY HOMEOWNERSHIP COUNSELING (H-20-88; FR-2460) 1987 HCD ACT

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Withdrawn	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin 202 755-3046

RIN: 2502–AE28

971. DISCLOSURE OF ANNUAL RATE CHANGES OF ADJUSTABLE RATE MORTGAGES (H-35-88; FR-2542)

CFR Citation: 24 CFR 203

Completed:

Reason	Date	FR Cite
Final Action	01/04/89	54 FR 110
Final Action Effective	03/31/89	54 FR 8321

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Falkenstein, Director 202 755-6672

RIN: 2502–AE57

972. CLAIM PROCESSING ON DEFAULTED COINSURED SINGLE-FAMILY MORTGAGES (H-1-88; FR-2410)

CFR Citation: 24 CFR 204.280; 24 CFR 204.281; 24 CFR 204.282; 24 CFR 204.283; 24 CFR 204.284; 24 CFR 204.292; 24 CFR 204.293; 24 CFR 204.294; 24 CFR 204.300; 24 CFR 204.301; 24 CFR 204.302

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert E. Faulkenstein, Jr. 202 755-6672

RIN: 2502–AE25

973. REVISIONS RELATING TO FULL INSURANCE AND COINSURANCE OF EXISTING COOPERATIVES (H-31-88; FR-2511)

CFR Citation: 24 CFR 207; 24 CFR 255

Completed:

Reason	Date	FR Cite
Final Action	01/24/89	54 FR 3444
Final Action Effective	03/06/89	54 FR 3444

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Martin 202 755-3046

RIN: 2502–AE54

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974. FLEXIBLE SUBSIDY PROGRAM; 1983 AMENDMENTS (H-50-84)

CFR Citation: 24 CFR 219

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2541 (RIN: 2502-AE55)	11/02/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502–AC31

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975. ELIGIBILITY OF SECTION 23 AND SECTION 202 HOUSING FOR FLEXIBLE SUBSIDY (H-18-88; FR-2458) 1987 HCD ACT

CFR Citation: 24 CFR 219

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2541 (RIN: 2502-AC55)	01/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502–AE42

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976. ASSIGNMENT OPTION (H-44-86)

Significance: Agency Priority

CFR Citation: 24 CFR 221.55

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Gibbs 202 755-2632

RIN: 2502–AD78

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977. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Significance: Regulatory Program

CFR Citation: 24 CFR 290; 24 CFR 886

Completed:

Reason	Date	FR Cite
Final Action	07/19/88	53 FR 27158
Final Action Effective	09/19/88	53 FR 27158

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marc Harris 202 755-9280

RIN: 2502–AC68

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978. SECTION 236 RENT SUPPLEMENT (H-17-88; FR-2457) 1987 HCD ACT

CFR Citation: 24 CFR 735

Completed:

Reason	Date	FR Cite
Withdrawn	02/22/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Tahash 202 426-3944

RIN: 2502–AE41

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979. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

CFR Citation: 24 CFR 850

Completed:

Reason	Date	FR Cite
Withdrawn	02/23/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Jessica Franklin 202 755-6142

RIN: 2502–AC23

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980. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS – REVISIONS TO CONTRACT RENT ADJUSTMENT REGULATIONS (H-22-88; FR-2469) 1987 HCD ACT

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886; 24 CFR 888

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2294 (RIN: 2502-AD91)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502–AE44

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981. INTERPROGRAM TRANSFERS OF ASSISTED TENANTS (H-8-88; FR-2436)

CFR Citation: 24 CFR 882; 24 CFR 887; 24 CFR 905; 24 CFR 950

Completed:

Reason	Date	FR Cite
Withdrawn - merged into FR-2294 (RIN 2502-ad91)	02/28/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James J. Tahash 202 426-3944

RIN: 2502–AE32

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982. LOANS FOR THE ELDERLY OR HANDICAPPED - LOAN INTEREST RATE PROVISIONS (H-24-88; FR-2477) 1987 HCD ACT

CFR Citation: 24 CFR 885

Completed:

Reason	Date	FR Cite
Final Action	11/09/88	53 FR 45265
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Undetermined

HUD—OH **Completed Actions**

Agency Contact: Robert Wilden 202 426-8730

RIN: 2502–AE46

983. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - FORMALDEHYDE REGULATIONS (H-10-87; FR-2332)

CFR Citation: 24 CFR 3280.308; 24 CFR 3280.309; 24 CFR 3280.406

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark W. Holman 202 755-5210

RIN: 2502–AE02

984. NOTICE OF FORMALDEHYDE; MANUFACTURED HOME CONSTRUCTION AND SAFETY (H-23-87; FR2349)

CFR Citation: 24 CFR 3280.309

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark W. Holman 202 755-6590

RIN: 2502–AE21

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) Proposed Rule Stage
Office of Community Planning and Development (CPD)

985. RENTAL REHABILITATION PROGRAM (CPD-11-88; FR-2558)

Legal Authority: PL 100-242, Sec 150(b); PL 100-242, Sec 150(f)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule will implement sections 150(b) and 150(f) of the Housing and Community Development Act of 1987 which amend sections 17(a)(1)(A)and 17(k)(4), respectively, of the United States Housing Act of 1937. Section 150(b) makes eligible for rehabilitation grant funds property that will be privately owned upon completion of rehabilitation. The previous authorizing legislation and current regulations limit the use of rehabilitation grant funds to properties that are (and continue to be) privately owned. Section 150(f) expands the definition of "privately owned real property to be used primarily for residential rental purposes" (and thus eligible for rehabilitation grant funds) to include housing that is owned by a State or locally chartered, neighborhood based, nonprofit organization the primary purpose of which is the provision and improvement of housing.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Mary Kolesar, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA88

986. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Significance: Regulatory Program

Legal Authority: 42 USC 5301; PL 98-181, Sec 104; PL 98-181, Sec 101

CFR Citation: 24 CFR 570.488

Legal Deadline: None

Abstract: This revision would implement amendments to the State administered CDBG program made in the Housing and Urban-Rural Recovery Act (Pub. L. 98-181) approved November 30, 1983, and the Housing and Community Development Act of 1987 (Pub. L. 100-242) approved February 5, 1988. The rule includes definitions of low and moderate income persons, requirements for meeting the three national objectives, the 60% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of States' dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, 202 755-6322

RIN: 2506–AA38

987. MISCELLANEOUS REVISIONS OF PART 570 - 1987 HCD ACT (CPD-5-88; FR-2496)

Legal Authority: PL 100-242

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: The proposed rule would revise the Community Development Block Grant Program rules (24 CFR Part 570) as necessary to implement certain changes made in the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988), and the Department of Housing and Urban Development - Independent Agencies Appropriations Act, 1989 (Pub. L. 100-404, approved August 19, 1988).

The proposed rule will cover the following four specific changes:

HUD—CPD **Proposed Rule Stage**

1. The new requirements for a citizens participation plan for entitlement and HUD-administered small cities grantees. (The requirements for States will be covered separately in the State proposed rules;

2. The circumstances under which a grant recipient may newly construct, or substantially reconstruct, housing where it is clear that such work is needed before the CDBG activity commences; (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT:

3. The circumstances under which a grant recipient may provide a 9-1-1 emergency services communication system serving an area having less than 51 percent low- and moderate-income residents and still be considered to meet the national objective of benefitting low- and moderate-income persons; and

4. The authority to use CDBG funds to pay special assessments for certain low- and moderate-income property owners to recover local costs incurred in providing public improvements serving an area having less than 51 percent low- and moderate-income persons, under the national objective of benefitting such persons.

Agency Contact: Jim Broughman, Director, Entitlement Cities Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5977

RIN: 2506–AA84

988. ● COMMUNITY DEVELOPMENT TECHNICAL ASSISTANCE PROGRAM (CPD-1-89; FR2616)

Legal Authority: 42 USC 5307

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would revise and update the Department's procedures governing the issuance of technical assistance awards under Title I of the Housing and Community Development Act of 1974. It would clarify the Department's authority to make such awards and to make the procedures more efficient and cost-effective.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Maggie H. Taylor, Technical Assistance Division, Office of PrograPolicy Development, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6090

RIN: 2506–AA90

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage

Office of Community Planning and Development (CPD)

989. ● UNIFORM RELOCATION ACT AMENDMENTS OF 1987– TECHNICAL AMENDMENTS (CPD-3-89; FR2624)

Legal Authority: PL 100-17

CFR Citation: 24 CFR 236; 24 CFR 290; 24 CFR 510; 24 CFR 511; 24 CFR 570; 24 CFR 571; 24 CFR 575; 24 CFR 850; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 905; ...

Legal Deadline: Final, Statutory, April 2, 1989.
The 1987 Amendments to the Uniform Act become effective April 2, 1989.

Abstract: The 1987 Amendments to the Uniform Relocation Act (P.L. 100-17) make numerous changes to the Uniform Act. Among the changes is the expansion of coverage to displacement resulting from rehabilitation, demolition or privately undertaken acquisition carried out for a federally assisted project or program. For HUD-assisted community development and housing programs, the expanded coverage will apply to displacements occurring on or after April 2, 1989. The amendments will contain the necessary conforming changes to HUD programs consistent with the final governmentwide rule implementing the 1987 Amendments to the Uniform Act. (See Federal Register (53 FR 4964) dated February 19, 1988.)

Timetable:

Action	Date	FR Cite
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold J. Huecker, Director, Relocation & Real Estate Div., Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6338

RIN: 2506–AA92

990. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Legal Authority: 42 USC 1437o; 42 USC 3535(d); PL 98-479, Sec 103; PL 98-181, Sec 302; PL 98-181, Sec 301

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule Effective	05/24/84	49 FR 16936
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912; FR-2055 (RIN: 2506-AA60)

Agency Contact: Mary Kolesar, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-5970**

RIN: 2506–AA55

991. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: ESCROW ACCOUNTS (CPD-2-86; FR-2164)

Legal Authority: 42 USC 5301 to 5321

CFR Citation: 24 CFR 0570.511

Legal Deadline: None

Abstract: The Department is proposing to establish a rule that would govern the circumstances under which CDBG program recipients could establish escrow accounts for the purpose of disbursing funds to contractors expeditiously. The rule reflects U.S. Treasury Department requirements governing cash withdrawals.

Timetable:

Action	Date	FR Cite
NPRM	10/05/87	52 FR 37162
NPRM Comment Period End	12/04/87	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul D. Webster, Dir., Financial Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-1871**

RIN: 2506–AA66

992. SECRETARY'S DISCRETIONARY FUND - WORK STUDY PROGRAM (CPD-4-88; FR-2475) 1987 HCD ACT

Legal Authority: PL 100-242, Sec 107

CFR Citation: 24 CFR 0570

Legal Deadline: None

Abstract: The proposed rule would implement section 501(b)(2) of the Housing and Community Development Act of 1987 under which HUD would use amounts set aside for the Secretary's Discretionary Fund for grants to institutions of higher education for the purposes of providing assistance to economically disadvantaged and minority students who participate on community development work-study programs.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31224
NPRM Comment Period End	10/17/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Turk, Technical Assistance Division, Office of Program Policy Development, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6092**

RIN: 2506–AA81

993. CONSERVING NEIGHBORHOODS BY PROHIBITING DISPLACEMENT (CPD-3-88; FR-2474) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 5301 to 5320

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This interim rule implements section 509 of the Housing and Community Development Act of 1987 which requires an antidisplacement program as a condition to CPDG or UDAG amount.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 31234
Interim Final Rule Comments Due	10/17/88	53 FR 31234
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Harold J. Huecker, Director, Relocation and Real Estate Div., Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6336**

RIN: 2506–AA82

994. IMPLEMENTATION OF PROHIBITION ON USE OF UDAG GRANTS FOR BUSINESS RELOCATION (CPD-6-88; FR-2500)

Legal Authority: PL 100-242, Sec 16

CFR Citation: 24 CFR 0570

Legal Deadline: None

Abstract: This rule amends the regulations governing Urban Development Action Grants by revising, and adding new text to, existing provisions pertaining to prohibitions on the use of UDAG for business relocations. This proposal (1) elaborates on the existing prohibition on the use of UDAG funds for speculative projects intended to facilitate the relocation of business from one are to another to incorporate existing HUD policies regarding this prohibition, and (2) implements statutory amendments which additionally prohibit the use of UDAG funds for projects with identified intended occupants where the project is likely to facilitate the relocation of businesses from one area to another.

Timetable:

Action	Date	FR Cite
NPRM	05/18/88	53 FR 17724
NPRM Comment Period End	06/17/88	53 FR 17724
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley Newman, Director, Urban Development Action Grants, Department of Housing and Urban Development, Office of Community Planning and Development, **202 755-6290**

RIN: 2506–AA86

995. URBAN HOMESTEADING PROGRAM; IMPLEMENTING OF 1987 STATUTORY AMENDMENTS AND REVISION OF SELECTED PROGRAM PROCEDURES (CPD-1-88; FR-2461)

Significance: Agency Priority

Legal Authority: 12 USC 1706e

CFR Citation: 24 CFR 590

Legal Deadline: None

Abstract: This rule established new selection procedures for urban homesteading programs. This rule also permits States and units of government to designate qualified community organizations to act as local urban

HUD—CPD **Final Rule Stage**

homesteading agencies. In addition, the rule makes procedural changes to the program requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41026
NPRM Comment Period End	12/19/88	53 FR 41026
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Richard Burk, Dir., Rehabilitation Loans & Homesteading, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5327

RIN: 2506–AA79

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Completed Actions

996. REMOVAL OF RISK PREMIUM PROVISIONS IN SECTION 312 PROGRAM (CPD-9-88; FR-2553)

CFR Citation: 24 CFR 510.34; 24 CFR 510.36

Completed:

Reason	Date	FR Cite
Final Action	10/31/88	53 FR 43865
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: David Cohen 202 755-5685

RIN: 2506–AA87

997. PERSONAL LIABILITY FOR REPAYMENT ON SECTION 312 REHABILITATION LOANS (CPD-10-88; FR-2557)

CFR Citation: 24 CFR 0510

Completed:

Reason	Date	FR Cite
Withdrawn	01/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard R. Burk 202 755-0367

RIN: 2506–AA89

998. ● RENTAL REHABILITATION GRANTS (CPD-2-88; FR-2472)

Legal Authority: 42 USC 1437o; PL 100-242, Sec 150

CFR Citation: 24 CFR 511.1; 24 CFR 511.3; 24 CFR 511.4; 24 CFR 511.10; 24 CFR 511.20

Legal Deadline: None

Abstract: This rule makes a number of changes in the Rental Rehabilitation Grant program. Major changes include (1) increasing the $5,000 per-unit limit on the amount of rental rehabilitation assistance for any structure by means of a sliding per-unit scale from $5,000 to $8,500, depending on the number of bedrooms in the units; (2) permitting a unit of general local government that has an ordinance requiring rehabilitation to meet seismic standards to use all its rental rehabilitation grants to rehabilitate units with one bedroom or less, if the occupants of the units will have incomes not in excess of 50 percent of the median area income; and (3) allowing States and formula cities and counties to retain up to 10 percent of any rental rehabilitation grant amounts they receive for administrative expenses in carrying out their rental rehabilitation programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/06/88	53 FR 25462
Final Action	12/06/88	53 FR 49138
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Mary Ann Kolesar, Director, Rehab Management Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506–AA80

999. ● '88 AMENDMENTS--RENTAL REHAB PROGRAM (CPD-4-89; FR-2630)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 511

Legal Deadline: None

Abstract: This rule will incorporate 1988 amendments to the Rental Rehabilitation program into the Department's permanent rules.

Timetable:

Action	Date	FR Cite
Withdrawn - merged with RIN 2506-AA55 (FR-1901)	04/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: David Cohen, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5685

RIN: 2506–AA91

1000. ● TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

Legal Authority: 42 USC 5307

CFR Citation: 24 CFR 570

Legal Deadline: None

Abstract: This rule would amend 24 CFR 510.402 to update and clarify priorities for Technical Assistance funding and to clarify application and review procedures for awards.

Timetable:

Action	Date	FR Cite
Withdrawn	02/16/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Jerome Friedman, Director, Policy Development Division, Department of Housing and Urban

HUD—CPD **Completed Actions**

Development, Office of Community Planning and Development, 202 755-8909

RIN: 2506–AA30

1001. URBAN DEVELOPMENT ACTION GRANT APPLICATIONS FROM CONSORTIA OF SMALL CITIES (CPD-6-87; FR2381)

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Final Action	12/28/88	53 FR 52414
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Stanley Newman 202 755-6290

RIN: 2506–AA76

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage
Government National Mortgage Association (GNMA)

1002. BOOK-ENTRY SECURITIES OF GNMA (GNMA-2-85)

Significance: Agency Priority

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: The regulation will provide for utilization of a book-entry system to govern the issuance and custody of GNMA securities. The system allows for maintenance of records by an Agent Bank and utilization of wire transfers. Further, the book-entry system will curtail loss, theft and repeated pledging of GNMA securities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, Office of Insured Housing and Finance, 202 755-7260

RIN: 2503–AA03

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Government National Mortgage Association (GNMA)

1003. GNMA MORTGAGE-BACKED SECURITIES (GNMA-1-88; FR-2548)

Legal Authority: 42 USC 3535

CFR Citation: 24 CFR 390

Legal Deadline: None

Abstract: Rule proposes to increase net worth eligibility requirements for issuers of mortgage-backed securities.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40458
Notice	12/06/88	53 FR 49240
NPRM Comment Period End	12/16/88	53 FR 40458
Comments Due	02/06/89	53 FR 49240
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert P. Kalish, Vice President, Office of Mortgage Finance, Department of Housing and Urban Development, Government National Mortgage Association, 202 755-5593

RIN: 2503–AA06

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Government National Mortgage Association (GNMA)

1004. GNMA FEES (GNMA-1-87; FR2395)

CFR Citation: 24 CFR 390.17

Completed:

Reason	Date	FR Cite
Withdrawn	09/16/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy 202 755-7260

RIN: 2503–AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Proposed Rule Stage

1005. NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS CONDUCTED BY HUD (FR-2163; FH&EO-2-85)

Significance: Regulatory Program

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 9.101; 24 CFR 9.102; 24 CFR 9.103; 24 CFR 9.110; 24 CFR 9.111; 24 CFR 9.130; 24 CFR 9.140; 24 CFR 9.149; 24 CFR 9.150; 24 CFR 9.151; 24 CFR 9.160; 24 CFR 9.170

Legal Deadline: None

Abstract: This proposed rule would implement section 504 of the Rehab Act of 1973 (as extended by the Rehab. Comprehensive Service and Developmental Disabilities Act of 1978) for HUD-conducted programs or activities. This proposed rule will be a companion rule to the Department's rule on nondiscrimination based on handicap in federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6207

RIN: 2529–AA28

1006. FAIR HOUSING - COORDINATION OF EXECUTIVE AGENCY AND REGULATORY AGENCY AFFIRMATIVE ADMINISTRATION OF PROGRAMS IN CONNECTION WITH HUD (FH&EO-1-88; FR-2480)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 125

Legal Deadline: None

Abstract: The Fair Housing Law, Title VIII of the Civil Rights Act of 1968, charges the Secretary with the responsibility for the administration and enforcement of Title VIII. Section 808 of Title VIII requires the Secretary to administer programs and activities relating to housing and urban development in a manner affirmatively to further fair housing. All other Executive Agencies are required to administer programs relating to housing and urban development in a manner affirmatively to further fair housing and to cooperate with the Secretary in further fair goal of fair housing. In December 1980, Executive Order 12259 was issued to assure interagency coordination and consistent and effective implementation of Section 808. The Order reemphasizes the mandate of Tie VIII, I, stipulates the Secretary's leadership and coordination role and states the responsibilities of all Executive Agencies; includes Regulatory Agencies, in connection with the preparation and implementation of rules, regulations and procedures. The time has come to publish a rule for comment. A proposed rule in 1981 failed to be published.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Wagner D. Jackson, Acting Director, Office of Fair Housing, Enforcement and Sec. 3 Compliance, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-6836

RIN: 2529–AA36

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO)

Final Rule Stage

1007. REDESIGN FOR FAIR HOUSING ASSISTANCE PROGRAM (FHEO-2-87; FR-2403)

Significance: Agency Priority

Legal Authority: 42 USC 3601-9

CFR Citation: 24 CFR 111

Legal Deadline: None

Abstract: This rule will change the current funding mechanism of the Fair Housing Assistance Program (FHAP) from a dual noncompetitive and competitive system to a single comprehensive noncompetitive funding mechanism. The new system will allow the same disbursement of 5 million dollars to substantially equivalent agencies. The FHAP agencies will be funded for cases processed and other eligible activities.

Timetable:

Action	Date	FR Cite
NPRM	09/07/88	53 FR 34668
NPRM Comment Period End	10/07/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Maxine Cunningham, Director, Federal, State & Local Programs, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 202 755-0455

RIN: 2529–AA33

1008. CONFORMING AMENDMENTS TO HUD RULES TO COMPLY WITH SEC. 504 OF THE REHAB ACT AND OTHER AUTHORITIES (FH&EO-3-88; FR-2531)

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 735

Legal Deadline: None

Abstract: Conforming HUD rules to comply with Sec. 504 of the Rehabilitation Act and other authorities.

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Ardinger, Program Compliance, Department of

HUD—FHEO **Final Rule Stage**

Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-5404**

RIN: 2529–AA38

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Office of Fair Housing and Equal Opportunity (FHEO)

1009. ● NONDISCRIMINATION IN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS (FHEO-1-89; FR-2629)

Legal Authority: 42 USC 5309

CFR Citation: 24 CFR 0000

Legal Deadline: None

Abstract: The regulation will implement Section 109 of the Housing and Community Development Act of 1974, which prohibits discrimination based on race, color, national origin, or sex in any program funded under the Act.

Timetable:

Action	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Eleanor G. Clagett, Director, Program Compliance Div., Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, **202 755-5404**

RIN: 2529–AA42

1010. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 810 OF THE FAIR HOUSING ACT (FHEO-5-88; FR-2563)

CFR Citation: 24 CFR 105

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2565 (RIN: 2501-AA76)	10/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Laurence Pearl 202 755-5288

RIN: 2529–AA40

1011. RECOGNITION OF JURISDICTIONS WITH SUBSTANTIALLY EQUIVALENT FAIR HOUSING LAWS (FHEO-1-88)

CFR Citation: 24 CFR 115

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2565 (RIN: 2501-AA76)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Wagner Jackson 202 755-6636

RIN: 2529–AA31

1012. COMMUNITY HOUSING RESOURCE BOARD PROGRAM (FH&EO-4-88; FR-2561)

CFR Citation: 24 CFR 120

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Florence Maultsby 202 755-7007

RIN: 2529–AA39

1013. THE FAIR HOUSING INITIATIVES PROGRAM (FH&EO-2-88; FR-2486) 1987 HCD ACT

Significance: Agency Priority

CFR Citation: 24 CFR 125

Completed:

Reason	Date	FR Cite
Final Action	02/10/89	54 FR 6492
Final Action Effective	05/09/89	54 FR 6492

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Harry L. Carey 202 755-5570

RIN: 2529–AA37

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Prerule Stage
Office of Administration (OA)

1014. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 3

Legal Deadline: None

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all of the obsolete references. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Albert M. Miller, Deputy Director, Department of Housing

HUD—OA **Prerule Stage**

and Urban Development, Office of

Administration, Office of Finance and Accounting, **202 755-6310**

RIN: 2535–AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Proposed Rule Stage
Office of Administration (OA)

1015. HUD ACQUISITION REGULATION (ADM-2-88; FR-2473)

Legal Authority: 42 USC 3535(d)

CFR Citation: 48 CFR 24

Legal Deadline: None

Abstract: The proposed rule will update the HUD Acquisition Regulation to conform to changes in the Federal Acquisition Regulation (FAR).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Edward L. Girovasi, Jr., Director, Policy and Evaluation Division, Office of Procurement and Contracts, Department of Housing and Urban Development, Office of Administration, **202 755-5294**

RIN: 2535–AA16

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Final Rule Stage
Office of Administration (OA)

1016. OMB CIR. A-110, UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH UNIVERSITIES, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (ADM-1-87; FR-2376)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 29

Legal Deadline: None

Abstract: This rule is part of a government-wide common rule to provide uniformity to the administrative requirements for grants and agreements with universities, hospitals and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward L. Girovasi, Jr., Director, Policy & Evaluation Division, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 755-5294**

RIN: 2535–AA15

1017. REVISIONS OF HUDAR TO REFLECT CHANGES IN GNMA PROCUREMENT PROCEDURES (ADM-3-88; FR-2534)

Legal Authority: 42 USC 3535

CFR Citation: 48 CFR 2401; 48 CFR 2402

Legal Deadline: None

Abstract: Rule to amend HUDAR to clarify circumstances under which GNMA may exercise its "statutory procurement authority" without regard to FAR or FIRMR. The rule will direct that all HUD procurement policy regulations and procedures are the responsibility of the Assistant Secretary for Administration except transactions between GNMA and issuers of mortgage-backed securities in furtherance of GNMA's guaranty of such securities.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gladys Gines, Office of Procurement & Contracts, Department of Housing and Urban Development, Office of Administration, **202 755-5294**

RIN: 2535–AA17

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions
Office of Administration (OA)

1018. AMENDMENT OF THE HUD ACQUISITION REGULATIONS (ADM-5-85; FR-2131)

CFR Citation: 48 CFR Chap. 24

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 46532
Final Action Effective	03/03/89	54 FR 8336

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gladyes Gines 202 755-5294

RIN: 2535–AA10

1019. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

CFR Citation: 24 CFR 570; 24 CFR 207

HUD—OA

Completed Actions

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi 202 755-5294

RIN: 2535–AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Proposed Rule Stage

Office of Public and Indian Housing (PIH)

1020. ● PUBLIC HOUSING DRUG ELIMINATION PILOT PROGRAM (P-20-88; FR-2592)

Legal Authority: PL 100-690

CFR Citation: 00 CFR 000

Legal Deadline: NPRM, Statutory, May 19, 1989.
Proposed rule has statutory deadline of May 19, 1989.

Abstract: The Public Housing Drug Elimination Act of 1988 establishes a new HUD-administered categorical grant program to help PHA's and IHA's to eliminate drug-related crime in public and Indian housing.

Timetable:

Action	Date	FR Cite
NPRM	05/19/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Wayne Hunter, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA76

1021. DETERMINATION OF WAGE RATES FOR MAINTENANCE AND TECHNICAL EMPLOYEES OF PUBLIC HOUSING AGENCIES AND INDIAN HOUSING AUTHORITIES (P-10-88; FR-2211)

Legal Authority: 42 USC 1437j

CFR Citation: 24 CFR 0060

Legal Deadline: None

Abstract: This rule would describe the Department's policies and procedures for determining or adopting prevailing wage rates for public housing maintenance employees under section 12 of the United States Housing Act of 1937.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Justin Logsdon, Assistant to the Secretary for Labor, Relations, Department of Housing and Urban Development, Office of the Secretary, **202 755-5370**

RIN: 2577–AA68

1022. PUBLIC AND INDIAN HOUSING; CEILING RENTS (P-2-89; FR-2529) 1987 HCD ACT

Legal Authority: 42 USC 1437a; PL 100-242, Sec 102(a)

CFR Citation: 24 CFR 0913

Legal Deadline: None

Abstract: Rule to permit PHAs and IHAs to adopt, with HUD approval, rents for projects or dwelling units that would establish a cap, or ceiling on the income-based rent as currently calculated under 24 CFR 913.107, that are not more than the income-based rent and not less than the average monthly amount of debt service and operating expenses attributed to units by similar size in housing projects owned and operated by the PHA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-6713**

RIN: 2577–AA57

1023. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Legal Authority: 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Legal Deadline: None

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units that may be occupied by single persons and are within the jurisdiction of any public housing agency. In addition, this rule would revise the procedures for HUD's approval of single person occupancy for affected dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ADDITIONAL CONTACT PERSON: James J. Tahash; Director, Program Planning Division; Office of Multifamily Housing Management. (202) 426-3970.

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577–AA07

1024. ● LEAD-BASED PAINT POISONING PREVENTION ACT — STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT OF 1988 — SECTION 1088 (P-19-88; FR-2583)

Significance: Agency Priority

Legal Authority: 42 USC 4821; PL 100-404

CFR Citation: 24 CFR 965.705; 24 CFR 965.706; 24 CFR 965.9; 24 CFR 966.9; 24 CFR 968; 24 CFR 35

HUD—PIH **Proposed Rule Stage**

Legal Deadline: None

Abstract: The rule will implement statutory amendments established by section 1088 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-404). The amendments make a number of changes to the Lead-Based Paint Poisoning Prevention Act, including the possible selection of the 1978 CPSC standard for lead in paint of .06 percent by weight of the dry paint film as a criteria for determining when, and to what extent, abatement in public housing will be required; adding dust containing lead to the hazard to be abated; and adding atomic absorption spectroscopy (AAS) as an acceptable method of testing for lead-based paint and dust containing lead.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Grant E. Mitchell, Senior Attorney, Department of Housing and Urban Development, Office of the General Counsel, 202 755-6550

RIN: 2577–AA78

1025. PHA OBLIGATIONS WITH RESPECT TO RESIDUAL RECEIPTS IN THE PUBLIC HOUSING, TURNKEY III, AND SEC. 23 PROGRAMS; (P-2-87; FR2354; FORMERLY H-27-87)

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 989

Legal Deadline: None

Abstract: This rule would reiterate the requirement of the Annual Contributions Contract that a PHA must submit to HUD its residual receipts within 60 days of the end of its fiscal year. The rule would also prescribe the method for determining the rate of interest due when residuals are not remitted on time. The rule will contain provisions for retention of residual receipts by the PHA under certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Office of Policy & Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA49

1026. PERFORMANCE FUNDING SYSTEM REVISIONS (87 ACT)--FORMAL REVIEW PROCESS ENERGY CONSERVATION SAVINGS, AUDIT RESPONSIBILITIES (P-12-88; FR-2504)

Significance: Regulatory Program

Legal Authority: 42 USC 1437g

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This rule would implement section 118(a) and 118(d). Section 118(a) requires HUD to amend the Performance Funding System, among other things, to provide for a formal review process for PHAs to obtain a change in allowable expense level to correct inequities in the original base year expense level, to correct for changes in operating circumstances and to reflect the level of economic distress of the locality. Section 118(d) also provides for sharing of the savings between a PHA and HUD for energy conservation improvements, and for preservation of subsidy when several units are rehabilitated and combined into fewer units.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA71

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Public and Indian Housing (PIH) **Final Rule Stage**

1027. REPLACEMENT HOUSING FOR PUBLIC HOUSING DEMOLITION AND DISPOSITION (P-5-88; FR-2463) 1987 HCD ACT

Significance: Regulatory Program

Legal Authority: 42 USC 1437p; PL 100-242, Sec 121(a)-(d)

CFR Citation: 24 CFR 970

Legal Deadline: None

Abstract: This rule would establish procedures for the approval and funding of replacement housing for public housing units that have been demolished or disposed of. In addition, this rule would require that HUD may approve an application for demolition if the project is obsolete, making it unusable for housing purposes and if no reasonable program modifications are feasible to return the project to a useful life. The rule would also require HUD, in allocating assistance for public housing acquisition or development or for Section 8 moderate rehabilitation, to give consideration to housing that replaces demolished public housing units in accordance with an approved replacement plan. PHAs would be prohibited from taking any action to demolish or dispose of public housing projects without obtaining HUD's approval and satisfying pertinent statutory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/88	53 FR 30984
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA58

1028. IMPLEMENTATION OF PERCENTAGE LIMIT PROVISIONS UNDER SECTION 16 OF THE UNITED HOUSING ACT OF 1937 (P-7-88; FR-2465) 1987 HCD ACT

Significance: Agency Priority

Legal Authority: 42 USC 1437n

CFR Citation: 00 CFR 000

Legal Deadline: None

Abstract: This rule would establish admission procedures which set differing percentage limitations on admission of lower income families in separate assisted housing programs that when aggregated will achieve the overall 5 percent limitation on occupancy under public housing annual contribution contracts and section 8 housing assistance payments contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15412
NPRM Comment Period End	05/31/88	53 FR 15412
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA60

1029. INDIAN HOUSING PROGRAM--REVISED PROGRAM REGULATIONS (P-2-86; FR-2208)

Significance: Regulatory Program

Legal Authority: 25 USC 450e(b); PL 100-358

CFR Citation: 24 CFR 905

Legal Deadline: None

Abstract: This rule will consolidate relevant provisions of regulations flowing from the U.S. Housing Act of 1937, as amended by the Indian Housing Act of 1988. It is the Department's intention that this consolidated Part 905, followed with a comprehensive Indian Housing Handbook, should be the controlling regulatory authority governing the development and operation of Indian housing projects.

Timetable:

Action	Date	FR Cite
NPRM	06/29/88	53 FR 24554
NPRM Comment Period End	09/27/88	53 FR 24554
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Includes: P-31-82 (RIN: 2577-AA17)

Agency Contact: Patricia Arnaudo, Deputy Director, Office of Indian Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-1015

RIN: 2577–AA32

1030. ESTABLISHMENT OF PREFERENCE FOR ELDERLY AND NEAR ELDERLY FAMILIES (P-13-88; FR-2505)

Legal Authority: 42 USC 1437a; PL 100-242, Sec 111

CFR Citation: 24 CFR 905; 24 CFR 960

Legal Deadline: None

Abstract: This rule would establish a preference for elderly families in projects or building designated for the elderly and a discretionary preference for "near elderly" families to be used when a PHA determines, in accordance with HUD regulations, that there are more vacant units than needed in an elderly project or building to meet the demand for units occupied by the elderly.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	53 FR 40240
NPRM Comment Period End	12/13/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Chief, Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577–AA69

1031. ● PUBLIC HOUSING - TENANT LEASES AND PHA GRIEVANCE HEARINGS (P-26-79; FR-1164)

Significance: Agency Priority

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Legal Deadline: None

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/23/86	51 FR 26504
NPRM Comment Period End	09/22/86	51 FR 26504
Final Action	08/30/88	53 FR 33216
Final Rule Withdrawn	02/15/89	54 FR 6886

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 426-0744

RIN: 2577–AA18

1032. INDIVIDUAL METERING OF UTILITIES OF EXISTING PHA-OWNED PROJECTS (P-36-83; FR-1769)

Legal Authority: 42 USC 1437 note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.304; 24 CFR 965.310; 24 CFR 965.404; 24 CFR 965.408

Legal Deadline: None

Abstract: Rule would revise the factors that PHAs use in estimating utility consumption savings resulting from conversions from master metered utilities systems to individually metered system and would amend energy audit provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	48 FR 51785

HUD—PIH

Final Rule Stage

Action	Date	FR Cite
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6649

RIN: 2577–AA27

1033. PHA-OWNED AND LEASED PROJECT; MAINTENANCE AND OPERATION; TENANT ALLOWANCE FOR UTILITIES (P-8-86; FR-2260)

Significance: Regulatory Program

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: HUD's procedures for the establishment and administration by PHAs of allowances for utilities and surcharges for excess consumption are contained in Part 965, Subpart E. This rule amends Subpart E to clarify how utility consumption attributable to air conditioning and certain tenant supplied major equipment will be treated under the allowance and surcharge provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38470
NPRM Comment Period End	12/04/87	52 FR 38470
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles Ashmore, Utility Specialist, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6640

RIN: 2577–AA40

1034. CHANGE IN CONSOLIDATED SUPPLY PROGRAM (CSP) (P-11-88; FR2482)

Legal Authority: 42 USC 1437; 42 USC 1437a; 42 USC 1437d; 42 USC 1427g

CFR Citation: 24 CFR 965

Legal Deadline: None

Abstract: This rule proposes to remove the requirement to use purchase agreements for buying supplies with a value not in excess of the Open Market Purchase Limitation (currently $10,000).

Timetable:

Action	Date	FR Cite
NPRM	07/06/88	53 FR 25348
NPRM Comment Period End	09/06/88	53 FR 25348
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael E. Diggs, Chief, Consolidation Supply & Procurement, Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 472-4703

RIN: 2577–AA67

1035. PUBLIC HOUSING CIAP AND COMPREHENSIVE GRANT PROGRAM (P-8-88; FR-2488)

Significance: Regulatory Program

Legal Authority: PL 100-242, Sec 119

CFR Citation: 24 CFR 968

Legal Deadline: None

Abstract: Section 119 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) began a two-part legislative process designed to develop an improved means of allocating funds for the modernization of public housing for PHAs that own or operate a total of 500 or more units.

Section 119 contemplates the adoption, by the Congress, of a follow-up statute providing for a revised method for allocating assistance under the new program. Until this additional legislation is approved, HUD's current method of allocating funds will continue in effect.

The Department is developing procedural rules to govern administration of the new Comprehensive Grant Program (CGP) under the new system outlined in section 119, and has published a proposed rule on October 27, 1988. The proposed rule also proposed simplifying the current CIAP program and limiting it to PHAs that own or operate few than 500 units.

After a new statutory formula is adopted, the Department will publish a final rule linking the statutory allocation (CONT)

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43648
NPRM Comment Period End	12/27/88	53 FR 43648

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: method with the previously proposed procedural rule, so that the Comprehensive Grant concept can be put into operation as promptly as possible.

Final action dependent on Congressional adoption of Modernization formula revisions to be submitted by HUD in 1989.

Agency Contact: Nancy Chisholm, Director, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA66

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Completed Actions

Office of Public and Indian Housing (PIH)

1036. LIMITATION ON PUBLIC HOUSING DEVELOPMENT (P-6-88; FR-2464) 1937 HCD ACT

Significance: Agency Priority

CFR Citation: 00 CFR 000

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA59

1037. INDIAN HOUSING ACT OF 1988 (P-16-88; FR-2538)

CFR Citation: 24 CFR 813; 24 CFR 905; 24 CFR 913; 24 CFR 942

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into Final Rule FR-2208 (RIN: 2577-AA32)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Arnaudo 202 755-1015

RIN: 2577–AA70

1038. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-3-85; FR-2136)

CFR Citation: 24 CFR 904

Completed:

Reason	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Wayne Hunter 202 755-6713

RIN: 2577–AA34

1039. PUBLIC AND INDIAN HOUSING - COST CONTAINMENT PROCEDURES (P-1-86; FR-2191)

CFR Citation: 24 CFR 968; 24 CFR 941; 24 CFR 905

Completed:

Reason	Date	FR Cite
Final Action	10/24/88	53 FR 41597
Final Action Effective	03/03/89	54 FR 8322

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA37

1040. SELF-HELP HOMEOWNERSHIP PROGRAM (P-17-88; FR-2544)

Significance: Agency Priority

CFR Citation: 24 CFR 905

Completed:

Reason	Date	FR Cite
Withdrawn Combined into FR-2208 (RIN:2577-AA32)	01/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia Arnaudo, Deputy Director 202 755-1015

RIN: 2577–AA74

1041. ● PUBLIC HOUSING HOMEOWNERSHIP UNDER SEC. 5(H) (P-1-89; FR-2609)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 906

Legal Deadline: None

Abstract: This proposed rule would add a new Part 906 to the Department's public housing regulations, to provide a regulatory codification of the "Section 5(h) program". It reflects the way in which, over the last 14 years, the Department has been implementing the Congressional mandate for public housing homeownership opportunities under Sections 5(h) and (6)(c)(4)(D) of the United States Housing Act of 1937, and would thus make no change in established policy and practice.

In general, the proposal would provide a regulatory framework for continued implementation of these statutory authorizations for public housing agencies (PHAs) to sell public housing units to lower income tenants under viable homeownership opportunity programs for families capable of assuming the responsibilities of homeownership.

Timetable:

Action	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Wayne Hunter, Office of Policy, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577–AA75

1042. PUBLIC AND INDIAN HOUSING COST CONTAINMENT PROCEDURES - COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM AND INDIAN HOUSING (P-9-86; FR-2262)

CFR Citation: 24 CFR 968; 24 CFR 905

Completed:

Reason	Date	FR Cite
Withdrawn	10/19/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA43

1043. DECONTROL OF PUBLIC HOUSING AUTHORITIES; CIAP DEVELOPMENT (P-5-87; FR-2408)

CFR Citation: 24 CFR 968.12(i); 24 CFR 968.15

Completed:

Reason	Date	FR Cite
Withdrawn - Merged into FR-2488 (RIN: 2577-AA66)	10/19/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy S. Chisholm 202 755-6713

RIN: 2577–AA48

1044. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM--SPECIAL PURPOSE MODERNIZATION (P-18-88; FR-2545)

Significance: Agency Priority

HUD—PIH

Completed Actions

CFR Citation: 24 CFR 968

Completed:

Reason	Date	FR Cite
Final Action	03/03/89	54 FR 9039
Final Action Effective	04/17/89	54 FR 9039

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA72

1045. REVISION TO PFS - INSURANCE COSTS (P-2-88; FR-2437) 1987 HCD ACT

Significance: Agency Priority

CFR Citation: 24 CFR 990

Completed:

Reason	Date	FR Cite
Final Action	03/15/89	54 FR 10657
Final Action Effective	05/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577–AA56

1046. ● ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY (P-21-88; FR-2593)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 990

Legal Deadline: None

Abstract: This final rule will allow housing authorities the flexibility to submit either an annual or a bi-annual operating budget to HUD.

Timetable:

Action	Date	FR Cite
Withdrawn	04/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Theodore Daniels, Director, Project Financial Managment &, Occupancy Division, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-8145

RIN: 2577–AA77

[FR Doc. 89-6178 Filed 04-21-89; 8:45 am]
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federal register

Monday
April 24, 1989

Part X

Department of the Interior

Semiannual Regulatory Agenda

DEPARTMENT OF THE INTERIOR (DOI)

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

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48 CFR Ch. 14

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Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Office of the Secretary, Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April and October 1989. An agenda is required by Executive Order 12291 and the Regulatory Flexibility Act.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the Agency Contact. General comments relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Management Improvement, Department of the Interior, 18th and C Streets, NW., MIB-2242, Washington, DC 20240, or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication, the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review.

Simultaneously, the Department meets the requirement of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda.

This agenda also identifies rules determined to be "significant" under Executive Order 12498 and which are included in this Department's 1989-90 regulatory program. A more comprehensive discussion of this program and the rules are contained in the Regulatory Program of the United States Government, which is published by the Office of Management and Budget.

Charles E. Kay,

Principal Deputy, Assistant Secretary, Policy, Budget and Administration.

Assistant Secretary for Policy, Budget, and Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1047	Natural Resource Damage Assessments	1090-AA21
1048	Natural Resource Damage Assessments	1090-AA22
1049	Certification of Non-Delinquency by Applicants for Federal Financial Assistance	1090-AA25

Assistant Secretary for Policy, Budget, and Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1050	Natural Resource Damage Assessments	1090-AA23
1051	Department of the Interior, Nonprocurement Debarment and Suspension Regulation	1090-AA24
1052	Department of the Interior Acquisition Regulation	1090-AA14

Assistant Secretary for Policy, Budget, and Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1053	Department of the Interior, Procurement Ethics Regulation	1090-AA15
1054	Department of the Interior Acquisition Regulation	1090-AA13

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Assistant Secretary for Policy, Budget, and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1055	Natural Resource Damage Assessments	1090-AA22

Office of the Solicitor—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1056	Practices Before the Department	1092-AA00

Office for Equal Opportunity—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1057	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1091-AA02
1058	Federally Assisted Programs or Activities of the Department of the Interior, Nondiscrimination on the Basis of Handicap	1091-AA03

Office for Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1059	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1091-AA00

Office of Hearings and Appeals—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1060	Special Rules Applicable to Surface Coal Mining Hearings and Appeals	1094-AA37
1061	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA25

Office of Hearings and Appeals—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1062	Special Rules Applicable in Indian Affairs Hearings and Appeals	1094-AA31
1063	Special Rules Applicable to Public Land Hearings and Appeals	1094-AA30

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Office of Hearings and Appeals—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1064	Department Hearings and Appeals Procedures	1094-AA26
1065	Burden of Proof in Civil Penalty Proceedings	1094-AA33
1066	Amendment of Regulation Establishing Age at Which an Indian Can Execute a Will Devising Trust or Restricted Property	1094-AA35

United States Fish and Wildlife Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1067	Administrative Requirements, Federal Aid in Fish and Federal Aid in Wildlife Restoration Acts	1018-AB15

United States Fish and Wildlife Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1068	Designated Port Status for Portland, Oregon	1018-AB21
1069	Injurious Wildlife: Importation of Live or Dead Fish, Mollusks, and Crustaceans, or Their Eggs	1018-AB13
1070	Captive Bred Wildlife	1018-AB10
1071	Proposed Determination of Nonessential Experimental Population Status for an Introduced Population of the Nashville Crayfish in Tennessee	1018-AB12
1072	Endangered and Threatened Wildlife and Plants; Special Rules for Mammals	1018-AB19
1073	Marine Mammals: Change definition of U.S. Citizen	1018-AB16
1074	Migratory Bird Hunting	1018-AA24
1075	Nontoxic Shot Regulations for Hunting Migratory Birds	1018-AA93
1076	Subsistence Take of Migratory Birds in Alaska	1018-AB03
1077	Public Entry and Use	1018-AA36
1078	Refuge-Specific Hunting Regulations	1018-AA71
1079	Refuge-Specific Sport Fishing Regulations	1018-AA50
1080	Implementation of Klamath River Basin Fishery Resources Restoration Act	1018-AB11
1081	Program Requirements, Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration Acts	1018-AB24

United States Fish and Wildlife Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1082	Importation, Exportation, and Transportation of Wildlife	1018-AA79
1083	Importation, Exportation, and Transportation of Wildlife	1018-AB20
1084	Humane Transport of Wild Mammals and Birds Amendments	1018-AB22
1085	Injurious Wildlife: Mitten Crabs	1018-AB04
1086	Endangered and Threatened Wildlife and Plants	1018-AA10
1087	Endangered and Threatened Wildlife and Plants	1018-AA84
1088	Endangered and Threatened Wildlife and Plants	1018-AA85
1089	Endangered and Threatened Wildlife and Plants	1018-AA95
1090	Endangered and Threatened Wildlife and Plants	1018-AA98
1091	Endangered and Threatened Wildlife and Plants	1018-AB02
1092	Endangered and Threatened Wildlife and Plants	1018-AB06
1093	Proposed Determination of Experimental Population Status for an Introduced Population of Colorado Squawfish	1018-AB09
1094	Endangered and Threatened Wildlife and Plants	1018-AB14
1095	Endangered and Threatened Wildlife and Plants	1018-AB18
1096	Endangered and Threatened Wildlife and Plants	1018-AB23
1097	Marine Mammals: Incidental Taking by Commercial Fishing Operations	1018-AA96
1098	Marine Mammals: Take of Small Numbers Incidental to Specified Activities	1018-AB05
1099	Subsistence Take of Migratory Birds	1018-AA92

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United States Fish and Wildlife Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1100	General Permit Procedures and Migratory Bird Permits: Raptor Propagation and Falconry Regulations	1018-AB01
1101	Endangered Species Convention	1018-AA29
1102	Fish and Wildlife Restoration Grants; Interest Earned on License Fees	1018-AA97

United States Fish and Wildlife Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1103	Humane Transport of Wild Mammals and Birds	1018-AA07

National Park Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1104	Yellowstone National Park: Commercial Traffic on U.S. Highway 191 within Yellowstone National Park	1024-AB82
1105	Apostle Islands National Lakeshore: Snowmobiling	1024-AB80
1106	Alaska Region: Same-Day-Airborne Hunting Regulations	1024-AB81
1107	Indiana Dunes National Lakeshore: Zoning Standards	1024-AB79

National Park Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1108	Yosemite National Park; Wawona Zoning Regulations	1024-AB77
1109	Appalachian National Scenic Trail	1024-AB07
1110	Hawaii Volcanoes National Park: Fishing Regulations	1024-AB66
1111	Mammoth Cave NP: Fishing	1024-AA94
1112	Cape Hatteras National Seashore: Off-Road Vehicle Regulations	1024-AB54
1113	Glen Canyon National Recreation Area: Commercial Operations and Whitewater Boating Regulations	1024-AB72
1114	Sequoia and Kings Canyon National Parks: Fishing Regulations	1024-AB76
1115	Big Thicket National Preserve: Hunting Regulations	1024-AB48
1116	Cape Lookout National Seashore: Off-Road Vehicles	1024-AA89
1117	Minerals Management - Non-Federal Oil and Gas	1024-AB39
1118	Management of Mineral Development Associated with Mining Claims	1024-AB74
1119	Minerals Management: Nonfederal Rights Other Than Oil and Gas	1024-AB75
1120	Archeological and Historic Preservation Act; Department of the Interior Regulations	1024-AA49
1121	Protection of Archaeological Resources; Uniform Regulations	1024-AA51

National Park Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1122	Vehicles and Traffic Safety: Mandatory Seatbelt Regulation	1024-AB83
1123	Cuyahoga Valley NRA: Off-Road Vehicles and Snowmobiles	1024-AB44
1124	Canyon De Chelly National Monument	1024-AB47
1125	Fort Jefferson NM: Fishing; Boundary Adjustments	1024-AA96
1126	Jean Lafitte NHP: Crawfishing Regulations	1024-AB33
1127	Everglades NP: Mining	1024-AB10
1128	Lake Chelan NRA: Target Practice	1024-AB19

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National Park Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1129	Cape Cod National Seashore: Off-Road Vehicle Regulations	1024-AA91
1130	Ross Lake NRA: Target Practice	1024-AB28
1131	Rocky Mountain National Park: Trucking Regulations	1024-AB67
1132	Big Cypress National Preserve: Indian Use and Occupancy	1024-AA07
1133	Whiskeytown National Recreation Area Fishing Regulations	1024-AB61
1134	Whiskeytown Unit, Whiskeytown - Shasta - Trinity NRA Gold Panning Regulations	1024-AB71
1135	Bighorn Canyon National Recreation Area - Fishing Regulations	1024-AB63
1136	NPS Units in Alaska: Closure Regulations	1024-AA71
1137	Katmai National Park and Preserve Fishing Regulations	1024-AB78
1138	Fire Island National Seashore: Zoning	1024-AA80
1139	National Register of Historic Places	1024-AA44
1140	Determination of Eligibility for Inclusion in the National Register of Historic Places	1024-AA46
1141	Historic Preservation Certifications Pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986	1024-AB73
1142	Curation of Federally Owned and Administered Archeological Collections	1024-AB13

National Park Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1143	Rocky Mountain National Park: Fishing Regulations	1024-AB46
1144	NPS Units in Alaska: Concessions	1024-AB18
1145	Cemetery Sites and Historical Places	1024-AA84

Bureau of Indian Affairs—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1146	Individual Indian Money Accounts	1076-AB91
1147	Revised Procedures for Implementation of the Indian Self-Determination and Education Assistance Act Amendments of 1988	1076-AC20

Bureau of Indian Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1148	Procedures for Establishing that an American Indian Group Exists as an Indian Tribe	1076-AC15
1149	The Indian Police	1076-AB98
1150	Small Estates - Osage	1076-AC18
1151	Financial Assistance and Social Services Program	1076-AB99
1152	Financial Assistance and Social Services Program	1076-AC13
1153	Administration of a Program of Employment Assistance for Adult Indians	1076-AA04
1154	School Boards	1076-AC14
1155	Grants to Tribally Controlled Community Colleges and Navajo Community College	1076-AA11
1156	Certificates of Degree of Indian Blood	1076-AC19
1157	Loans to Indians from the Revolving Loan Fund	1076-AC00
1158	Loan Guaranty, Insurance, and Interest Subsidy	1076-AC01
1159	Leasing and Permitting	1076-AA29
1160	Roads of the Bureau of Indian Affairs	1076-AB05
1161	Leasing of Restricted Lands of Members of Five Civilized Tribes, Oklahoma, for Mining	1076-AB41
1162	Indian Business Development Program	1076-AA55

DOI

Bureau of Indian Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1163	Appeals from Administrative Actions	1076-AB21
1164	Law and Order on Indian Reservations	1076-AA01
1165	Administration of the Higher Education Program	1076-AA10
1166	Administration of the Indian Adult Education Programs	1076-AA15
1167	Preparation of Rolls of Indians	1076-AC11
1168	Attorney Fee Contracts with Indian Tribes; Payment of Tribal Attorney Fees with Federally Appropriated Funds	1076-AB87
1169	Management of Osage Judgment Funds for Education and Socio-Economic Programs	1076-AB51
1170	Navajo Grazing Regulations	1076-AA33
1171	Rights-of-Way Over Indian Lands	1076-AB89
1172	Contracts for Prospecting and Mining on Indian Mineral Lands	1076-AA38
1173	Leasing of Allotted Lands for Mining	1076-AA39
1174	Oil and Gas Mineral Agreements	1076-AA82
1175	Leasing of Osage Reservation Lands for Oil and Gas Mining	1076-AC09
1176	Buy Indian Act Contracting	1076-AA56

Bureau of Indian Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1177	Education Personnel	1076-AB02
1178	Revolving Cattle Pool	1076-AC02
1179	San Carlos Indian Irrigation Project, Arizona	1076-AC08
1180	Tribal Bingo Management Contracts	1076-AC07

Minerals Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1181	Amendment of Dual Accounting Requirement in Gas Valuation Regulations	1010-AB28
1182	Amendment of Valuation Benchmarks in Gas Regulations	1010-AB29
1183	Revision of Regulations Governing Interest Rate Applicable to Late Payments and Underpayments	1010-AB32
1184	Recoupments and Refunds of Excess Payments Under Federal Offshore Mineral Leases	1010-AB11
1185	Revision of Regulations Governing Appeals	1010-AB13
1186	Air Quality -- Outer Continental Shelf Wide	1010-AB14
1187	Limitation of the Director's Authority for Discretionary Release of Postlease Proprietary Data and Information	1010-AB30
1188	Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS), Subpart O, Training	1010-AB21
1189	Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Subpart P, Sulphur Operations	1010-AB23
1190	Amendment to 30 CFR 250.4 and 250.34(j) to Add Guidelines for the Acceptance of Contributions for Mission Activities such as the Preparation of Environmental Impact Statements	1010-AB33
1191	Amendments to 30 CFR 250.52 to Add Requirements Intended to Prevent Occurrence of Accidental Fires Caused by Falling Slag from Welding or Burning	1010-AB31

Minerals Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1192	Revision of Royalty Valuation Regulations Governing Gas Sales Under Percentage-of-Proceeds Contracts	1010-AB17
1193	Geothermal Resources Used to Generate Electricity, Product Valuation for Royalty Purposes	1010-AB22
1194	Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Safety and Pollution-Prevention Equipment	1010-AB19
1195	Air Quality - Offshore California	1010-AA61
1196	Nondiscrimination in Employment in the Outer Continental Shelf	1010-AA87

DOI

Minerals Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1197	Valuation of Coal for Royalty Purposes from Federal and Indian Leases	1010-AA83
1198	Processing and Transportation Allowances, Return on Capital Investment	1010-AB12
1199	Amendment of Regulations, Oil and Gas Transportation Allowances and Gas Processing Allowances	1010-AB18
1200	Amendment of Oil and Gas Royalty Valuation Regulations	1010-AB24
1201	Supplemental Sales	1010-AB05
1202	Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA82
1203	Mining Operations for Minerals Other Than Oil, Gas, and Sulphur in the Outer Continental Shelf	1010-AA81
1204	Appeals Procedures	1010-AB20

Office of Surface Mining Reclamation and Enforcement—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1205	Surface Coal Mining and Reclamation Operations; Two Acre Exemption Repeal	1029-AB16
1206	Interim Program Revisions	1029-AB24
1207	Federal Lands Program	1029-AA76
1208	Definition and Criteria for Valid Existing Rights	1029-AA77
1209	Permanent Regulatory Program Definitions; Areas Unsuitable for Mining	1029-AA80
1210	Reprocessing Coal Waste	1029-AB23
1211	Assessment Conference Scheduling	1029-AB22

Office of Surface Mining Reclamation and Enforcement—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1212	Permit to Reclaim Rule	1029-AB26
1213	Permanent Regulatory Program; Requirements for Permits for Special Categories of Mining	1029-AA54
1214	Exemption for Coal Extraction Incidental to the Extraction of Other Minerals	1029-AA53
1215	Requirements for Coal Exploration--Permit Requirements for Exploration Removing More than 250 Tons of Coal	1029-AA92
1216	Federal Regulatory Programs; Permit Application Fees	1029-AB15
1217	Surface Coal Mining and Reclamation Operations on Indian Lands	1029-AB04
1218	Lands Unsuitable Regulations	1029-AA90
1219	Requirements for Permits and Permit Processing; Permit Applications Minimum Requirements for Legal Financial Civil Penalties	1029-AA66
1220	Permanent Regulatory Program - Ownership Information	1029-AA96
1221	Approximate Original Contour Variances	1029-AB27
1222	Permanent Program Performance Standards; Disposal of Coal Mine Waste	1029-AB09
1223	Permanent Program Performance Standards; Surface Mining Activities; Contemporaneous Reclamation	1029-AB02
1224	Permanent Program Performance Standards; Surface and Underground Mining Activities; Backfilling and Grading	1029-AA57
1225	Disposal of Excess Spoil on Preexisting Benches	1029-AB18
1226	Permanent Program Performance Standards; Highwall Policy	1029-AB10

Office of Surface Mining Reclamation and Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1227	Termination of Jurisdiction Under SMCRA	1029-AB07
1228	Permanent Program Performance Standards; Surface and Underground Activities; Roads	1029-AA60
1229	Permanent Regulatory Program Definition of Support Facilities	1029-AA94
1230	Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program-Ownership and Control	1029-AA56
1231	Permanent Regulatory Program; Requirements for Permits, Information on Hydrologic Impacts	1029-AB11
1232	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities - Impoundments	1029-AA79

DOI

Office of Surface Mining Reclamation and Enforcement—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1233	Special Permanent Program Performance Standards; Operations on Prime Farmland	1029-AA64
1234	Surface Coal Mining Operations; Definition of "In Connection With"	1029-AB08
1235	Permanent Program Performance Standards - Surface Mining Activities, Underground Mining Activities -- Revegetation	1029-AA86
1236	Improvidently Issued Permits	1029-AB20
1237	Delinquent Abandoned Mine Land Reclamation Fees	1029-AB21
1238	Abandoned Mine Land Reclamation; State Reclamation Grants	1029-AB13
1239	Tennessee Program Amendment; Significant Permit Revisions	1029-AB17

Bureau of Reclamation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1240	Reclamation States Drought Assistance Act of 1988	1006-AA19
1241	Procedure to Process and Recover the Value of Rights-of-Use and Administrative Costs Incurred in Permitting Such Use	1006-AA18

Bureau of Reclamation—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1242	Acreage Limitation Rules and Regulations	1006-AA17

Bureau of Land Management—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1243	Special Laws and Rules; Restatement of Procedures for the Segregation and Opening of Public Lands; Amendment	1004-AB54
1244	Classifications	1004-AB57
1245	Leases, Permits and Easements	1004-AB51
1246	Public Availability of Minerals Resources Information	1004-AB55
1247	Mining in Military Withdrawals	1004-AB52
1248	Contract Extension	1004-AB56

Bureau of Land Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1249	Minerals (Nonmineral Entries on Mineral Lands)	1004-AB20
1250	Exchanges - General Procedures	1004-AB28
1251	Indian Allotments	1004-AB10
1252	Village Selections	1004-AB58
1253	Rights-of-Way, Principles and Procedures	1004-AB00
1254	Rights-of-Way, Trespass, and Law Enforcement - Criminal	1004-AB46
1255	Rights-of-Way under the Mineral Leasing Act	1004-AA98
1256	Exploration Activity; Oil and Gas Leasing; Geothermal Resource Leasing-General	1004-AA97
1257	Exploration Activity; Oil and Gas Leasing; Competitive Leases	1004-AB41
1258	Onshore Oil and Gas Order No. 8 - Well Workovers, Completions, Abandonments	1004-AB37
1259	Onshore Oil and Gas Order No. 7 - Disposal of Produced Water	1004-AA66

DOI

Bureau of Land Management—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1260	Onshore Oil and Gas Order No. 6 - Hydrogen Sulfide Operations	1004-AA67
1261	Onshore Oil and Gas Order No. 9 - Waste Prevention and Beneficial Use of Oil and Gas	1004-AB47
1262	Geothermal Resource Operations	1004-AB18
1263	Sales of Forest Products; General - Preparation for Sale	1004-AB34
1264	Coal Management -- General	1004-AB44
1265	Multiple Use: Mining: Mining Claims Under the General Mining Laws	1004-AB04
1266	Mining Claims Under the General Mining Law - Nature and Classes of Mining Claims Assessment Work	1004-AB43
1267	Mining Claims Under the General Mining Laws	1004-AB36
1268	Sales of Forest Products; Conduct of Sales	1004-AB39
1269	Sales of Forest Products; Award of Contract	1004-AB40
1270	Cultural Resource Management	1004-AA69
1271	Paleontology	1004-AA27
1272	Recreation: General	1004-AA35
1273	Cadastral Survey	1004-AB07
1274	Unauthorized Use of Public Lands	1004-AA39
1275	Law Enforcement, Criminal	1004-AB48

Bureau of Land Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1276	Land Classification	1004-AB19
1277	Recreation and Public Purposes: Solid Waste Disposal	1004-AA73
1278	Onshore Oil and Gas Operations - Cooperative Agreements, Delegations of Authority and Contracts for Oil and Gas Inspection and Enforcement	1004-AB32
1279	Geothermal Resources Leasing	1004-AB53
1280	Fees, Rents, and Royalties	1004-AB45
1281	Conduct of Sales (Timber)	1004-AB35
1282	Award of Contract; Sales Administration	1004-AB49
1283	Off-Road Vehicles	1004-AB26

Bureau of Land Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1284	Onshore Oil and Gas Operations - Onshore Oil and Gas Order Number 4 - Measurement of Crude Oil	1004-AA96
1285	Onshore Oil and Gas Order No. 2 - Drilling Operations	1004-AB21
1286	Onshore Oil and Gas Order No. 3 - Site Security	1004-AB24
1287	Management of Existing Leases	1004-AB38
1288	Onshore Oil and Gas Order No. 5 - Measurement of Natural Gas	1004-AB22
1289	Coal Exploration and Mining Operations Rules	1004-AB42
1290	Operating Regulations for Exploration, Development and Production	1004-AA68

DEPARTMENT OF THE INTERIOR (DOI)

Prerule Stage

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

1047. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory, March 20, 1989.

42 USC 9651(c)(3) requires biennial review and revision as appropriate of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim

against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c) (2) (A) calls for the promulgation of simplified assessment procedures. The first type A procedure for coastal and marine environments uses a computer model known as the natural resource damage assessment model for coastal and marine environments (NRDAM/CME). Section 301(c)(3) of CERCLA requires the biennial review of these natural resource damage assessment regulations. Since type A regulations were published as a final rule in 1987, the Department will issue an advance notice of proposed rulemaking (ANPRM). This ANPRM will ask trustees, other interested parties, and members of the public to draw upon their experience with the type A procedure to advise the Department of areas where revisions to the type A procedure may be appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	
ANPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Farrell, Director, Office of Environmental Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 4239, MIB, 1801 C Street, NW, Washington, DC 20240, 202 343-2116

RIN: 1090–AA21

1048. ● NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory. 42 USC 9651(c)(3) requires biennial review and revision, as appropriate, of the regulations. This ANPRM will begin the review process.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of alternative protocols for the testing, sampling, and determining compensation for natural resource damages, referred to as the type B procedures. Section 301(c)(3) requires the biennial review of these natural resource damage assessment regulations. Since the general process and type B procedures were published as a final rule in 1986, the Department will issue an advance notice of proposed rulemaking (ANPRM) to begin the second biennial review of these regulations. This ANPRM will ask trustees, other interested parties, and members of the public to draw upon their experience with the type B procedures, and the general assessment process, to advise the Department of areas where revisions to the process and the type B procedures may be desired.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/90	
ANPRM Comment Period End	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Farrell, Director, Office of Environmental Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 4239, 1801 C Street, NW., Washington, DC 20240, 202 343-2116

RIN: 1090–AA22

1049. CERTIFICATION OF NON-DELINQUENCY BY APPLICANTS FOR FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 31 USC 3511; 31 USC 3512; 31 USC 3302; 31 USC 3701; 31 USC 3711; 31 USC 3716 to 3719

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes a regulation requiring the use of an application form which includes a question to be answered "yes" or "no" regarding whether the applicant is delinquent on any Federal debt. The Department has withdrawn the notice of proposed rulemaking published on May 11, 1988, because subsequent guidance from the Office of Management and Budget conflicted with the proposed rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Sts., NW, Washington, DC 20240, 202 343-8668

RIN: 1090–AA25

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Proposed Rule Stage

1050. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: None

Abstract: The Department has promulgated regulations, codified at 43 CFR Part 11, for the assessment of damages to natural resources injured by a release of a hazardous substance or,

under certain circumstances, a discharge of oil. The regulations provide two types of assessment procedures: simplified procedures requiring minimal field investigation, referred to as the type A procedures; and alternative protocols for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. The type A procedures that have been developed are for use in coastal and marine environments. The Department has stated that, when possible, it would develop additional type A procedures for other environments or natural resources. An advance notice of proposed rulemaking (ANPRM) will be issued by the Department. This ANPRM will solicit suggestions and supporting technical information for possible development of other type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/88	53 FR 20143
ANPRM Comment Period End	07/18/88	53 FR 20143
NPRM	09/00/89	
NPRM Comment Period End	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Farrell, Director, Office of Envir. Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 4239, 1801 C St., NW, Washington, DC 20240, 202 343-2116

RIN: 1090–AA23

1051. DEPARTMENT OF THE INTERIOR, NONPROCUREMENT DEBARMENT AND SUSPENSION REGULATION

Legal Authority: EO 12549; 5 USC 301

CFR Citation: 43 CFR 12

Legal Deadline: None

Abstract: This action proposes a revision to the Department's regulation establishing a uniform system of nonprocurement debarment and suspension. This proposed rule would implement the requirements of paragraph (a)(1) of section .110, Coverage, of common final rule on Governmentwide Debarment and Suspension (Nonprocurement).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Larry D. Cardwell, Director, Office of Acquisition and Property Management, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Sts., NW, Washington, DC 20240, 202 343-3668

RIN: 1090–AA24

1052. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Legal Deadline: None

Abstract: This rule makes miscellaneous revisions to the Department of the Interior Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dean A. Titcomb, Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA14

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Final Rule Stage

1053. DEPARTMENT OF THE INTERIOR, PROCUREMENT ETHICS REGULATION

Legal Authority: 5 USC 301; EO 11222; 43 CFR 20.735

CFR Citation: 48 CFR 1401; 48 CFR 1403; 48 CFR 1415; 48 CFR 1453

Legal Deadline: None

Abstract: This notice of proposed rulemaking proposes to provide implementing regulations in the Department of the Interior Acquisition Regulation for EO 11222 governing ethics conduct for Government employees. The proposed rule would also provide a special code of conduct for employees with procurement responsibilities in accordance with 43 CFR 20.735-2(h).

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17086
NPRM Comment Period End	07/12/88	53 FR 17086
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dean A. Titcomb, Chief, Division of Acquisition and Assistance, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA15

1054. DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1415

Legal Deadline: None

Abstract: This rule will establish formal source selection procedures for the Department pursuant to FAR 15.612.

Timetable:

Action	Date	FR Cite
NPRM	12/21/87	52 FR 48301
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

DOI—ASPBA

Final Rule Stage

Agency Contact: Dean A. Titcomb, Acting Chief, Acquisition and Assistance Division, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th & C Streets, NW, Washington, DC 20240, 202 343-3433

RIN: 1090–AA13

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Completed Actions

1055. NATURAL RESOURCE DAMAGE ASSESSMENTS

Significance: Regulatory Program

Legal Authority: 42 USC 9651(c) CERCLA

CFR Citation: 43 CFR 11

Legal Deadline: Other, Statutory, September 1, 1988.
42 USC 9651(c)(3) requires biennial review and revision as appropriate of the regulations.

Abstract: CERCLA allows natural resource trustees to bring a claim against a potentially responsible party for resources that have been injured by a release of a hazardous substance or, under certain circumstances, a discharge of oil. Section 301(c)(2)(B) calls for the promulgation of a set of alternative protocols for the testing, sampling, and valuing of natural resource damages, referred to as the type B procedures. Section 301(c)(3) of CERCLA requires the biennial review of these natural resource damage assessment regulations. Since the general process and type B regulations were published as a final rule with an effective date of September 1, 1986, the Department will issue an advance notice of proposed rulemaking. This ANPRM will ask trustees, other interested parties, and members of the public to draw upon their experience with the type B procedures, and the general assessment process, to advise the Department of areas where revisions to the process and the type B procedures may be appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/88	53 FR 15714
ANPRM Comment Period End	07/05/88	53 FR 15714
End Review Notice in resp. to comments sta. no rev. nec. at this time.	01/23/89	54 FR 3095

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Farrell, Director, Office of Envir. Project Review, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, Room 4239, 1801 C St., NW, Washington, DC 20240, 202 343-2116

RIN: 1090–AA22

BILLING CODE 4310-RK-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of the Solicitor (OSOL)

Proposed Rule Stage

1056. PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Legal Deadline: None

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: January 1981.

Agency Contact: Barbara Abate, Paralegal, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092–AA00

BILLING CODE 4310-17-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Proposed Rule Stage

1057. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: PL 92-318 Title IX of the Education Amendment of 1972; PL 93-568; PL 94-482; 20 USC 1681 to 1686

CFR Citation: 43 CFR 17, Subpart D

Legal Deadline: None

Abstract: The Title IX regulation is intended to address the problem of discrimination on the basis of sex in any education program or activity receiving or benefiting from Federal financial assistance administered by the Department of the Interior (DOI).

No alternative for addressing problems of discrimination in DOI's education programs can be considered due to the fact that Title IX requires each Federal agency which extends Federal financial assistance to any educational program or activity, to issue rules and regulations implementing Title IX.

DOI's recipients are anticipated to incur expenses in two (2) areas: (1) Data collection and recordkeeping; (2) rectifying areas of noncompliance with Title IX. With respect to DOI, expenses will be incurred in three (3) areas: (1) Development and publication of the Title IX rule; (2) Provision of technical assistance; and (3) Accomplishing compliance reviews and enforcement activities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW., Washington, DC 20240, **202 343-3455**

RIN: 1091–AA02

1058. ● FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES OF THE DEPARTMENT OF THE INTERIOR, NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 794, The Rehab. Act of 1973, Sec 504, as amended; EO 12250; 42 USC 4151 to 4157, The Architectural Barriers Act of 1986

CFR Citation: 43 CFR 17, Subpart B

Legal Deadline: None

Abstract: This rulemaking will amend the regulation issued by DOI at 43 CFR 17, Subpart B, for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). The regulatory amendment is intended to encourage DOI's recipients to follow UFAS for new construction and alteration projects. No alternative exists to issuing this regulation. This amendment was found to be appropriate and necessary, and is being issued by DOI pursuant to directions received from the Civil Rights Division of the Department of Justice under the authority of Executive Order 12250. It has been determined that this rule is nonmajor and that it has no major cost effect. This amendment will promote governmentwide consistency and minimize public confusion by referencing new architectural standards that are presently in use by the Department of Justice and fourteen other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/16/89	
NPRM Comment Period End	08/18/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Specialist, Department of the Interior, Office for Equal Opportunity, 18th and C Streets NW., Washington, DC 20240, **202 343-3455**

RIN: 1091–AA03

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Completed Actions

1059. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: The Age Discrimination Act of 1975, as amended; 42 USC 6101; 45 CFR 90

CFR Citation: 43 CFR 17, Subpart C

Legal Deadline: None

Abstract: This rule will set forth guidelines for nondiscrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	10/21/87	52 FR 39243
NPRM Comment Period End	11/20/87	52 FR 39243
Final Action	01/25/89	54 FR 3596
Final Action Effective	02/24/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1986

Sectors Affected: None

Additional Information: LEGAL AUTHORITY: Originally scheduled: January 1979.

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, **202 343-3455**

RIN: 1091–AA00

BILLING CODE 4310-RE-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Proposed Rule Stage

1060. ● SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1256; 30 USC 1260; 30 USC 1261; 30 USC 1264; 30 USC 1268; 30 USC 1271; 30 USC 1272; 30 USC 1275; 30 USC 1293; 5 USC 301

CFR Citation: 43 CFR 4.1360 to 4.1369; 43 CFR 4.1370 to 4.1379; 43 CFR 4.1380 to 4.1388

Legal Deadline: None

Abstract: The procedures for administrative review of Office of Surface Mining Reclamation and Enforcement decisions on (1) applications for new permits, (2) applications for permit revisions, permit renewals, and the transfer, assignment, or sale of rights granted under permit, (3) permit revisions ordered by the Office, and (4) applications for coal exploration permits vary. The Office of Hearings and Appeals proposes to remove the rules containing procedures for administrative review for (2), (3), and (4) (43 CFR 4.1370-4.1379 and 4.1380-4.1388) and to revise the rules in 43 CFR 4.1360-4.1369 so they will include review of decisions presently provided for in 43 CFR 4.1370-4.1379 and 4.1380-4.1388. The Office also proposes to amend 43 CFR 4.1351 and 4.1391(b) to provide for notice of OSMRE's decisions by certified mail or by overnight delivery service rather than by publication in a local newspaper. The proposed amendments will unify administrative review procedures and make them more expedited.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9852
NPRM Comment Period End	04/07/89	
Final Action Effective	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094–AA37

1061. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.401(c); 43 CFR 4.413

Legal Deadline: None

Abstract: Rulemaking is being proposed to amend the requirements for proof of service of documents to require that a party serving a document other than the notice of appeal certify that he sent the document to the adverse party by mail.

Timetable:

Action	Date	FR Cite
NPRM	09/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wm. Philip Horton, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA25

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Final Rule Stage

1062. SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Legal Authority: 36 Stat. 855, as amended; 38 Stat. 586; 42 Stat. 1185, as amended; 56 Stat. 1021-1022; R.S. 463; R.S. 465; 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4, Subpart D

Legal Deadline: None

Abstract: The agency is proposing to make changes to its regulations governing appeals to the Board of Indian Appeals in order to ensure compatibility between those regulations and proposed changes to administrative appeals regulations of the Bureau of Indian Affairs in 25 CFR Part 2. The rulemaking would incorporate two specific changes to regulations in 43 CFR Part 4, Subpart D, listed on previous agenda.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	52 FR 43009
NPRM Comment Period End	01/05/88	52 FR 43009
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Kathryn Lynn, Chief Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3816

RIN: 1094–AA31

1063. SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.411

Legal Deadline: None

Abstract: The agency will propose to amend its procedural regulations to provide relief to appellants who mistakenly file their notices of appeal with the Board instead of the office specified in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 38950
NPRM Comment Period End	11/19/87	52 FR 38950
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Hughes, Attorney-Advisor, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094–AA30

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Completed Actions

1064. DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4, Subpart B

Legal Deadline: None

Abstract: Rulemaking is being proposed to make express provision for in camera review of information which is exempt, protected, or prohibited from unauthorized disclosure by Federal statute when such information is submitted in an administrative proceeding.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20755
NPRM Comment Period End	07/06/87	52 FR 20755
Final Action	12/09/88	53 FR 49658
Final Action Effective	01/09/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bruce A. Johnson, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3810**

RIN: 1094–AA26

1065. BURDEN OF PROOF IN CIVIL PENALTY PROCEEDINGS

Legal Authority: 30 USC 1268; 5 USC 301

CFR Citation: 43 CFR 4.1155

Legal Deadline: None

Abstract: The proposed amendment of 43 CFR 4.1155 would correct the allocation of the ultimate burden of persuasion as to the fact of a violation in a civil penalty proceeding under section 518 of the Surface Mining Control and Reclamation Act of 1977 by changing it from the Office of Surface Mining Reclamation and Enforcement to the person who petitions for review of the civil penalty.

Timetable:

Action	Date	FR Cite
NPRM	10/15/87	52 FR 38246
NPRM Comment Period End	11/16/87	52 FR 38246
Final Action	11/25/88	53 FR 47693
Final Action Effective	12/27/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3750**

RIN: 1094–AA33

1066. AMENDMENT OF REGULATION ESTABLISHING AGE AT WHICH AN INDIAN CAN EXECUTE A WILL DEVISING TRUST OR RESTRICTED PROPERTY

Legal Authority: 25 USC 373

CFR Citation: 43 CFR 4.260

Legal Deadline: None

Abstract: The amendment to the regulation will reflect the congressional determination to reduce from 21 to 18 the age at which an Indian can execute a will devising trust or restricted property. The amendment is contained in section 2 of the Act of November 5, 1987, 101 Stat. 886, PL 100-153.

Timetable:

Action	Date	FR Cite
Final Action	12/02/88	53 FR 48648
Final Action Effective	12/02/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Parlen McKenna, Chief Administrative Law Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-3800**

RIN: 1094–AA35

BILLING CODE 4310-79-T

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Prerule Stage

1067. ADMINISTRATIVE REQUIREMENTS, FEDERAL AID IN FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Legal Authority: 16 USC 669 to 669i; 16 USC 777 to 777k

CFR Citation: 50 CFR 080

Legal Deadline: None

Abstract: The Service will incorporate the requirements of the Uniform Administrative Requirements for Grants and Cooperative Agree- ments to State and Local Governments (43 CFR 12) and update and clarify program requirements for grants to State agencies.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Conley L. Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1526**

RIN: 1018–AB15

DEPARTMENT OF THE INTERIOR (DOI) **Proposed Rule Stage**

United States Fish and Wildlife Service (FWS)

1068. ● DESIGNATED PORT STATUS FOR PORTLAND, OREGON

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service proposes to amend the regulations in 50 CFR 14 to designate Portland, Oregon as an official Customs port- of-entry for wildlife and wildlife products as required by Section 9(f) of the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 11975
NPRM Comment Period End	04/24/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1949

RIN: 1018–AB21

1069. INJURIOUS WILDLIFE: IMPORTATION OF LIVE OR DEAD FISH, MOLLUSKS, AND CRUSTACEANS, OR THEIR EGGS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations regarding importation of fish or fish eggs of the fish family Salmonidae will be revised to reflect current scientific information.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph J Webster, Chief, Division of Fish Hatcheries, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1715

RIN: 1018–AB13

1070. CAPTIVE BRED WILDLIFE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: This rule will be revised to relieve certain restrictions on the public that have been determined to be outmoded, burdensome and counter productive.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall Jones, Acting Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-2093

RIN: 1018–AB10

1071. PROPOSED DETERMINATION OF NONESSENTIAL EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF THE NASHVILLE CRAYFISH IN TENNESSEE

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to reintroduce the Nashville Crayfish (Orconectes shoupi), federally listed as an endangered species, into Richland Creek, Davidson County, Tennessee, and to determine this population to be a nonessential experimental population according to Section 10(j) of the Endangered Species Act of 1973, as amended. Section 10(j) of the Act authorizes nonessential experimental populations to be treated as if they were proposed species for the purposes of Section 7 of the Act. The Nashville crayfish is presently know to inhabit Mill Creek and five of its tributaries in Davidson and Williamson Counties, Tennessee.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240., 703 358-2171

RIN: 1018–AB12

1072. ENDANGERED AND THREATENED WILDLIFE AND PLANTS; SPECIAL RULES FOR MAMMALS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17.40

Legal Deadline: None

Abstract: This amendment brings the endangered species regulations into compliance with control procedures for African elephant ivory trade.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1949

RIN: 1018–AB19

1073. MARINE MAMMALS: CHANGE DEFINITION OF U.S. CITIZEN

Significance: Regulatory Program

Legal Authority: 16 USC 1371(a)(5); 16 USC 1371(a)(4)

CFR Citation: 50 CFR 18.27; 50 CFR 18.24

Legal Deadline: None

Abstract: Under existing regulations implementing the Marine Mammal Protection Act (MMPA), corporations organized under United States laws, but not controlled by individuals who are U.S. citizens, cannot be issued Letters of Authorization to undertake activities pursuant to any specific regulations authorizing an incidental take of marine mammals. This rule will amend the definition of U.S. citizen in the current regulations to allow corporations subject to U.S. jurisdiction to participate under the MMPA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Action	Date	FR Cite
Final Action	07/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, 202 632-2202

RIN: 1018–AB16

1074. MIGRATORY BIRD HUNTING

Significance: Regulatory Program

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service annually publishes a series of documents establishing migratory bird hunting regulations for the 1988-89 season. This annual process consists of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/89	
NPRM	06/00/89	
Final Action	09/00/89	
1988-89 frameworks for early seasons		
Final Action 08/09/88 (53 FR 29897)		
1988-89 frameworks for late seasons		
NPRM 08/12/88 (53 FR 30622)		
Final Action 09/28/88 (53 FR 37944)		

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 254-3207

RIN: 1018–AA24

1075. NONTOXIC SHOT REGULATIONS FOR HUNTING MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service, in coordination with the States, identifies areas of migratory bird hunting where the use of conventional lead shotshells results in lead poisoning of such birds and other wildlife. The Service will review existing nontoxic shot zones for the continued need for inclusion, and propose new areas for consideration as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	
1988-89 nontoxic shot zones		
Final Action 06/28/88 (53 FR 24284)		
1989-90 nontoxic shot zones		
Final Action 09/00/89		

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Rollin Sparrowe, Chief, Office of Migratory Bird Management, Department of the Interior, United States Fish and Wildlife Service, Room 536 Matomic, Washington, DC 20240, 202 254-3207

RIN: 1018–AA93

1076. SUBSISTENCE TAKE OF MIGRATORY BIRDS IN ALASKA

Significance: Regulatory Program

Legal Authority: 16 USC 703

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: The Service will develop regulations that provide for subsistence harvest of migratory birds in Alaska. This action is being developed in cooperation with the State of Alaska, Alaskan Native organizations, and Canada.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The Appeals Court recently ruled that the Migratory Bird Treaty does not permit subsistence hunting.

Agency Contact: Marvin L. Plenert, Acting Assistant Director, Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, Room 3252 Interior, US Fish and Wildlife Service, Washington, DC 20240, 202 343-5333

RIN: 1018–AB03

1077. PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26

Legal Deadline: None

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: Robert Karges, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1744

RIN: 1018–AA36

1078. REFUGE-SPECIFIC HUNTING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32

Legal Deadline: None

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	09/00/89	
1988-89 hunting season		
NPRM 07/13/88 (53 FR 26461)		
Final Action 10/31/88 (53 FR 43889)		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Robert Karges, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1744

RIN: 1018–AA71

1079. REFUGE-SPECIFIC SPORT FISHING REGULATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Legal Deadline: None

Abstract: The Service will review annually, and prior to each fishing season may amend fishing regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	12/00/89	
1988-89 fishing regulations		
NPRM 11/01/88 (53 FR 44043)		
Final Action 03/14/89 (54 FR 10544)		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: October 1983

Agency Contact: Robert Karges, Chief, Division of Refuges, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1744

RIN: 1018–AA50

1080. IMPLEMENTATION OF KLAMATH RIVER BASIN FISHERY RESOURCES RESTORATION ACT

Legal Authority: 16 USC 460

CFR Citation: 50 CFR 72

Legal Deadline: None

Abstract: This rule is necessary to implement the Klamath River Basin Fishery Resources Restoration Act. These include designation of the Klamath River Basin Conservation Area, establishment of qualifications of volunteers who carry out surveys, censuses, and other scientific studies, establishment of standards for determining the value of in-kind contributions and real and personal property provided by non-Federal sources to implement the conservation area restoration program, and establishment of the basis for determining whether matching funds will be provided in a timely and appropriate manner.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/87	52 FR 9550
ANPRM Comment Period End	05/11/87	
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Edwards, Assistant Director - Fisheries, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-6394

RIN: 1018–AB11

1081. ● PROGRAM REQUIREMENTS, FEDERAL AID IN SPORT FISH AND FEDERAL AID IN WILDLIFE RESTORATION ACTS

Legal Authority: 16 USC 669i; 16 USC 777k

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: The Service proposes to revise 50 CFR 80 to eliminate any requirement for Grants and Cooperative Agreements to State and Local Units of Government (43 CFR 12), and to update programmatic requirements for the Federal Aid in Sport Fish and Federal Aid in Wildlife Restoration programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Conley L. Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240, 703 358-2156

RIN: 1018–AB24

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Final Rule Stage

1082. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24559
NPRM Comment Period End	09/05/86	51 FR 24559
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1949

RIN: 1018–AA79

1083. IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 18 USC 42; 16 USC 3371 to 3378; 16 USC 1538(d) to 1538(f); 16 USC 1540(f); 16 USC 1382; 16 USC 704; 16 USC 712; 31 USC 483(a); 16 USC 852(c)

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: General review and evaluation of 50 CFR 14, including structure of import/export and user fees.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34795
NPRM Comment Period End	10/11/88	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1949

RIN: 1018–AB20

1084. ● HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS AMENDMENTS

Legal Authority: PL 97-79 95 Stat. 073

CFR Citation: 50 CFR 14

Legal Deadline: None

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifted the authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. A final rule promulgating this authority in 50 CFR 14, was published on November 10, 1987 (52 FR 43274). The Service will review the regulations for the purpose of proposing improvements and clarifications.

Timetable:

Action	Date	FR Cite
NPRM	08/10/88	53 FR 30077
NPRM Comment Period End	09/09/88	53 FR 30077
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marshall Jones, Acting Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240, 703 358-2093

RIN: 1018–AB22

1085. INJURIOUS WILDLIFE: MITTEN CRABS

Legal Authority: 18 USC 42

CFR Citation: 50 CFR 16

Legal Deadline: None

Abstract: Regulations will be developed which would determine whether to add the mitten crab to the list of injurious wildlife. The Lacey Act prohibits importation and introduction into the natural eco- system of the United States any species which may pose a threat to agriculture, the health and welfare of human beings, and the welfare and survival of native wildlife species.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45784
NPRM Comment Period End	12/29/88	53 FR 45784
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1717

RIN: 1018–AB04

1086. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

California freshwater shrimp
NPRM 04/22/87 (52 FR 13754)
Final Action 10/31/88 (53 FR 43884)

Chisos Mountain hedgehog cactus
NPRM 07/06/87 (52 FR 25275)
Final Action 09/30/88 (53 FR 38453)
Kearney's blue star
NPRM 07/10/87 (52 FR 26030)
Final Action 01/19/89 (54 FR 2131)
Mathis spiderling
NPRM 07/10/87 (52 FR 26033)
Extension of comment period 07/14/88 (53 FR 26616)
Final Action 00/00/00
Sacramento prickly poppy
NPRM 07/13/87 (52 FR 26164)
Final Action 00/00/00
Tipton kangaroo rat
NPRM 07/10/87 (52 FR 26040)
Extension of comment period 09/09/87 (52 FR 33980)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-2171

RIN: 1018–AA10

1087. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: October 1984.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-2171

RIN: 1018–AA84

1088. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Timetable:

Inyo brown towhee (critical habitat)
NPRM 08/03/87 (52 FR 28787)
Final Action 00/00/00
Inyo brown towhee(listing)
NPRM 03/07/85 (50 FR 9300)
Final Action 08/03/87 (52 FR 28717)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Originally scheduled: April 1985.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 358-2171

RIN: 1018–AA85

1089. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Least Bell's vireo critical habitat
Final Action 00/00/00
Least Bell's vireo listing
NPRM 05/03/85 (50 FR 18968)
Final Action 05/02/86 (51 FR 16474)

Small Entities Affected: None

Government Levels Affected: State

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-2171

RIN: 1018–AA95

1090. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological

information available to the Department.

Timetable:

Bruneau hot spring snail
NPRM 12/30/86 (51 FR 47033)
Final Action 00/00/00
Leopard, goral, serow in Nepal
NPRM 06/14/85 (50 FR 24917)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1975

RIN: 1018–AA98

1091. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Fish Creek Springs tui chub
NPRM 03/10/86 (51 FR 8215)
Final Action 00/00/00
Virgin River chub
NPRM 06/24/86 (51 FR 22949)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1975

RIN: 1018–AB02

1092. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531

CFR Citation: 50 CFR 017

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate certain species of fish, wildlife and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Florida lizards
NPRM 01/21/87 (52 FR 2242)
Final Action 00/00/00
Miami palmetto
NPRM - Extend comment period 07/21/87 (52 FR 27437)
Final Action 06/23/88 (53 FR 23674)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1975

RIN: 1018–AB06

1093. PROPOSED DETERMINATION OF EXPERIMENTAL POPULATION STATUS FOR AN INTRODUCED POPULATION OF COLORADO SQUAWFISH

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Legal Deadline: None

Abstract: The Service proposes to introduce Colorado squawfish (Ptychocheilus lucius) into the lower Colorado River in Arizona and to determine the population to be "nonessential experimental" population according to Section 10(j) of the Endangered Species Act. The Service will propose a special rule to allow take in accordance with State law. In the past, Colorado squawfish were more widespread in the State of Arizona, occurring in several river drainages. This action is being taken in an effort to establish an additional population within the species' historic range.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32143
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington DC 20240, 703 235-1975

RIN: 1018–AB09

1094. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama cavefish
NPRM 12/04/87 (52 FR 46106)
Final Action 09/26/88 (53 FR 37968)

Decurrent false aster
NPRM 02/25/88 (53 FR 5598)
Final Action 00/00/00
Erubia
NPRM 11/19/87 (52 FR 44580)
Final Action 00/00/00
Gila trout
NPRM 10/21/87 (52 FR 37424)
Final Action 00/00/00
Independence Valley Speckled & Clover Valley dace
NPRM 09/18/87 (52 FR 35282)
NPRM Reopen comment period until 10/31/88 (53 FR 38309)
Final Action 09/00/89

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240, **703 235-1975**

RIN: 1018–AB14

1095. ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory.
In accordance with 16 USC 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Timetable:

Alabama canebrake pitcher plant
NPRM 04/21/88 (53 FR 13230)
Final Action 04/00/89
Anastasia Island and Southeastern beach mouse
NPRM 07/05/88 (53 FR 25165)
Final Action 07/00/89
Autumn buttercup
NPRM 07/22/88 (53 FR 27724)
Final Action 07/00/89
Bee Creek Cave harvestman
NPRM 04/19/88 (53 FR 12787)
Final Action 09/16/88 (53 FR 36029)
Cooley's meadowrue
NPRM 04/21/88 (53 FR 13220)
Final Action 02/07/89 (54 FR 5935)
Dwarf-flowered heartleaf
NPRM 04/21/88 (53 FR 13223)
Final Action 04/00/89
Kretschmarr Cave mold beetle
NPRM 04/19/88 (53 FR 12787)
Final Action 04/00/89
Little-wing pearlymussel
NPRM 04/21/88 (53 FR 1322)
Final Action 11/14/88 (53 FR 45861)
Magazine Mountain shagreen
NPRM 07/05/88 (53 FR 25179)
Final Action 07/00/89
Osterhout milkvetch
NPRM 07/05/88 (53 FR 25181)
Final Action 07/00/89
Penland beard
NPRM 07/05/88 (53 FR 25181)
Final Action 07/00/89
Speckled pocketbook mussell
NPRM 07/25/88 (53 FR 27684)
Final Action 02/28/89 (54 FR 8339)
Tooth Cave ground beetle
NPRM 04/19/88 (53 FR 12787)
Final Action 09/16/88 (53 FR 36029)
Tooth Cave pseudoscorpion
NPRM 04/19/88 (53 FR 12787)
Final Action 09/10/88 (53 FR 36029)
Tooth Cave spider
NPRM 04/19/88 (53 FR 12787)
Final Action 09/16/88 (53 FR 36029)

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Janet Hohn, Acting Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240, **703 235-1975**

RIN: 1018–AB18

1096. ● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Legal Deadline: NPRM, Statutory. Final, Statutory.
In accordance with 16 U.S.C. 1533, the Service must take action (list, withdraw, or extend the rulemaking for six months) on a proposed listing no later than one year after such proposal.

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither, and are based soley on the biological information available to the Department.

Timetable:

American burying beetle
NPRM 10/11/88 (53 FR 39617)
Final Action 10/00/89
Brooksville bellflower
NPRM 09/12/88 (53 FR 35210)
Final Action 09/00/89
Chimpanzee and pygmy chimpanzee
NPRM 02/24/89 (54 FR 8152)
Final Action 02/00/90
Cooley's water willow
NPRM 09/12/88 (53 FR 35215)
Final Action 09/00/89
Cracking pearly mussel
NPRM 02/17/89 (54 FR 7225)
Final Action 02/00/90
Eastern/Western Prairie fringed orchid
NPRM 10/11/88 (53 FR 39621)
Final Action 10/00/89
Florida ziziphus
NPRM 09/28/88 (53 FR 37814)
Final Action 09/00/89
Michaux's sumac
NPRM 01/06/89 (54 FR 441)
Final Action 01/00/90
Purple-spined hedgehog cactus
NPRM 01/19/89 (54 FR 2173)
Final Action 01/00/90
Roanoke logperch
NPRM 09/07/88 (53 FR 34561)
Final Action 09/00/89
Rydberg milk vetch
NPRM 10/11/88 (53 FR 39626)
Final Action 10/00/89
Scrub blazing star
NPRM 09/28/88 (53 FR 37814)
Final Action 09/00/89
Shale barren rockcress
NPRM 11/17/88 (53 FR 46479)
Final Action 11/00/89

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Janet Hohn, Chief, Branch of Listing and Recovery, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, D.C. 20240, **703 235-1975**

RIN: 1018–AB23

1097. MARINE MAMMALS: INCIDENTAL TAKING BY COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 101(a)(4); 16 USC 109(h)

CFR Citation: 50 CFR 18.22; 50 CFR 18.24

Legal Deadline: None

Abstract: The Service will develop regulations to implement a provision contained in the 1981 amendments to the Marine Mammal Protection Act, concerning the incidental taking of marine mammals by commercial fishermen. The rules would apply to those species of marine mammals for which the Service has responsibility, i.e. sea otters, walrus, polar bears, manatees, and dugongs, except those listed as depleted.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12043
NPRM Comment Period End	07/28/88	53 FR 24330
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lynn Starnes, Chief, Division of Fish and Wildlife, Management Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 358-1717

RIN: 1018–AA96

1098. MARINE MAMMALS: TAKE OF SMALL NUMBERS INCIDENTAL TO SPECIFIED ACTIVITIES

Legal Authority: 16 USC 1371(a)(5)(A); 16 USC 1536(b)(4)

CFR Citation: 50 CFR 18.27; 50 CFR 402.14(i)

Legal Deadline: None

Abstract: This rule will implement the 1986 amendments to the Marine Mammal Protection Act to allow the incidental take of depleted as well as non-depleted marine mammals, modify standards for determining whether to allow incidental taking and require that the incidental take of endangered or threatened marine mammals not be authorized until authorized under the provisions of the Marine Mammal Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 6473
NPRM Comment Period End	07/05/88	53 FR 17964
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Lynn B. Starnes, Chief, Division of Fish and, Wildlife Management Assistance, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-1717

RIN: 1018–AB05

1099. SUBSISTENCE TAKE OF MIGRATORY BIRDS

Significance: Regulatory Program

Legal Authority: 16 USC 701 to 718

CFR Citation: 50 CFR 20

Legal Deadline: None

Abstract: In 1979, the United States and Canada signed a protocol to amend the 1916 treaty concerning management of migratory birds. The protocol initiated efforts to recognize historical native subsistence of such birds. A rule will be developed to implement this international agreement.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10101
NPRM	05/19/86	51 FR 18349

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: The protocol has been reviewed by Canadian officials and they wish to reopen negotiations. This will delay indefinitely final action on development of an international agreement.

Agency Contact: David L. Olsen, Acting Assistant Director - Refuges and Wildlife, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-5333

RIN: 1018–AA92

1100. GENERAL PERMIT PROCEDURES AND MIGRATORY BIRD PERMITS: RAPTOR PROPAGATION AND FALCONRY REGULATIONS

Legal Authority: 16 USC 703; 16 USC 1531

CFR Citation: 50 CFR 21; 50 CFR 13

Legal Deadline: None

Abstract: This action will examine changes to the restrictions concerning propagation of raptors and standards for falconry. The Service will expand authorized activities and de-regulate certain other activities.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/86	51 FR 18812
ANPRM Comment Period End	05/23/86	51 FR 18812
NPRM	12/28/87	52 FR 48948
NPRM Comment Period End	02/26/88	52 FR 48948
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Clark Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 1100 Arlington Square, Washington DC 20240, 703 358-1949

RIN: 1018–AB01

1101. ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 23

Legal Deadline: None

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will be clarified and revised to incorporate recommendations of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38755
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marshall Jones, Acting Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-2093

RIN: 1018–AA29

1102. FISH AND WILDLIFE RESTORATION GRANTS; INTEREST EARNED ON LICENSE FEES

Legal Authority: 16 USC 669i; 16 USC 777i

DOI—FWS

Final Rule Stage

CFR Citation: 50 CFR 80

Legal Deadline: None

Abstract: This action proposes to incorporate general accepted accounting principles related to interest earned on fees collected by the States through the sale of hunting and fishing licenses. The rule would require States to ensure that such interest is used in their fish and wildlife conservation programs.

Timetable:

Action	Date	FR Cite
NPRM	08/05/88	53 FR 29500
Revised NPRM	08/05/88	53 FR 29500
NPRM Comment Period End	09/19/88	53 FR 29500
NPRM Public Comment Period End	09/19/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: Because of the high number of comments received suggesting modification, the rule, as proposed, was not adopted. The amended proposed rule is being proposed to accommodate the concerns expressed.

Agency Contact: Conley Moffett, Chief, Division of Federal Aid, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 358-2156

RIN: 1018–AA97

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

1103. HUMANE TRANSPORT OF WILD MAMMALS AND BIRDS

Significance: Regulatory Program

Legal Authority: PL 97-79, 95 Stat, 073

CFR Citation: 50 CFR 14

Legal Deadline: Final, Statutory, May 16, 1982.
180 days after enactment of Public Law 97-79, dated November 16, 1981.

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild mammals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
Final Action	11/10/87	52 FR 43274
Final Action Effective	02/08/88	52 FR 43274
Begin Review	02/08/88	53 FR 3894
Final ActionDelay effective date of final rule	02/10/88	53 FR 3894
Final Action Notice of effective date and enforcement policy	04/27/88	53 FR 15042
ANPRM	08/10/88	53 FR 30077
ANPRM Comment Period End	09/09/88	53 FR 30077
NPRM	03/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982. The final rule, published on November 10, 1987 (52 FR 43274), was to have taken effect on February 8, 1988; however, because of substantial controversy, the Service delayed the effective date until August. In response to a lawsuit, a preliminary injunction order was issued which ruled that delay of the effective date was without good cause. Consequently, the rule published in November is in force and effective as of February 8, 1988, as required by Court order. The service is reviewing the regulations for the purpose of proposing improvements and clarifications. A notice of intent to propose amendments was published on August 10, 1988.

Agency Contact: Marshall Jones, Acting Chief, Office of Management Authority, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 358-2093

RIN: 1018–AA07

BILLING CODE 4310-55-T

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Prerule Stage

1104. ● YELLOWSTONE NATIONAL PARK: COMMERCIAL TRAFFIC ON U.S. HIGHWAY 191 WITHIN YELLOWSTONE NATIONAL PARK

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.13

Legal Deadline: None

Abstract: The proposed regulation will exempt the section of U.S. 191 within Yellowstone National Park from the prohibition on the use of National Park Service roads by commercial vehicles when such use has in no way a connection with operation of the park; delete the special regulations establishing the speed limit on U.S. 191 within Yellowstone National Park; and restrict the amount and type of hazardous materials which may be transported on U.S. 191 within Yellowstone National Park. The special regulation establishing the present fee schedule for commercial traffic within Yellowstone will be eliminated and the Superintendent provided the discretion to establish and adjust fees for such use on an annual basis.

These actions will clearly define the management and regulation of commercial traffic on U.S. 191 through Yellowstone and assure a certain measure of protection against hazardous waste spills.

DOI—NPS

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert D. Barbee, Superintendent, Department of the Interior, National Park Service, Yellowstone National Park, P.O. Box 168, Yellowstone National Park, WY 82190, 307 344-7381

RIN: 1024–AB82

1105. ● APOSTLE ISLANDS NATIONAL LAKESHORE: SNOWMOBILING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.82

Legal Deadline: None

Abstract: This proposed rule designates routes and frozen water surfaces for use by snowmobiles at Apostle Islands National Lakeshore. The general regulations at 36 CFR 2.18 prohibit such use unless routes and water surfaces are specifically identified and promulgated as special regulations. The intended effect of this regulation is to remove that prohibition and allow the use of snowmobiles to conduct legislatively authorized fishing activities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alford J. Banta, Superintendent, Department of the Interior, National Park Service, RT 1, Box 4, Bayfield, WI 54814, 715 779-3397

RIN: 1024–AB80

1106. ● ALASKA REGION: SAME-DAY-AIRBORNE HUNTING REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.21

Legal Deadline: None

Abstract: The National Park Service is proposing rules what will prohibit the hunting of certain wildlife species in the National Preserve areas in Alaska on the same day in which a hunter is airborne. Hunting will continue to be allowed pursuant to State and Federal regulations. Access to those areas by aircraft for sport hunting and other purposes is also allowed. While the State of Alaska has a similar regulation in place, commonly referred to as the "same-day-airborne" regulation, recent changes to their regulation have allowed exceptions for some species in certain State of Alaska game management units including the National Preserve areas. This exception will allow "land-and-shoot" hunting of wolves in the National Preserves. The proposed National Park Service regulation will prohibit "land-and-shoot" hunting for big game including the following species: All species of Bears, Bison, Caribou, Elk, Mountain Goat, Moose, Musk Oxen, Dall Sheep, Wolf, Wolverine, Coyote, Arctic and Red Fox, and Lynx.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steve Shackelton, Law Enforcement Specialist, Department of the Interior, National Park Service, 2525 Gambell St., Rm. 107, Anchorage, AK 99503-2892, 907 257-2548

RIN: 1024–AB81

1107. ● INDIANA DUNES NATIONAL LAKESHORE: ZONING STANDARDS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 31

Legal Deadline: None

Abstract: The National Park Service is proposing to revoke Part 31 because the Act which authorized the Secretary of Interior to promulgate minimum zoning standards 80 Stat. 1309, was repealed by Section 1 (9) of 90 Stat. 1309, on October 18, 1976.

The purpose of the regulatory action is to revoke and to eliminate the zoning standards which no longer have any purpose or authority.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4206

RIN: 1024–AB79

DEPARTMENT OF THE INTERIOR (DOI)

National Park Service (NPS)

Proposed Rule Stage

1108. YOSEMITE NATIONAL PARK; WAWONA ZONING REGULATIONS

Legal Authority: 16 USC 1; 16 USC 3; 16 USC 61

CFR Citation: 36 CFR Not yet determined

Legal Deadline: None

Abstract: The proposed rulemaking will provide for land use controls on privately owned lands in Wawona, Yosemite National Park, CA. The rulemaking will allow residential development to occur without threat of condemnation if the development is compatible with Federal and private interests, and if it meets the specific zoning requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jack Morehead, Superintendent, Department of the

Interior, National Park Service, Yosemite National Park, P.O. Box 1024, Yosemite, CA 95389, **209 375-6391**

RIN: 1024–AB77

1109. APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Legal Deadline: None

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, **304 535-2346**

RIN: 1024–AB07

1110. HAWAII VOLCANOES NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.25

Legal Deadline: None

Abstract: The Service is proposing to revise the fishing regulations that pertain to Hawaii Volcanoes National Park to clarify provisions that address Native Hawaiian fishing rights in the Kalapana extension area of the Park.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Ames, Superintendent, Hawaii Volcanoes National Park, Department of the Interior, National Park Service, Hawaii 96718-0052, **808 967-7311**

RIN: 1024–AB66

1111. MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Legal Deadline: None

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024–AA94

1112. CAPE HATTERAS NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.58

Legal Deadline: None

Abstract: The Service proposes to designate by regulation routes available for off-road vehicle use at Cape Hatteras National Seashore, NC.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Thomas Hartman, Superintendent, Cape Hatteras National Seashore, Department of the Interior, National Park Service, Route 1, Box 675, Manteo, NC 27954, **919 473-2111**

RIN: 1024–AB54

1113. GLEN CANYON NATIONAL RECREATION AREA: COMMERCIAL OPERATIONS AND WHITEWATER BOATING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.70

Legal Deadline: None

Abstract: The Service proposes to amend special regulations that apply to Glen Canyon National Recreation Area by clarifying provisions that pertain to commercial operations and deleting duplicative provisions that pertain to Colorado River Whitewater boat trips.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Lancaster, Superintendent, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, Box 1507, Page, AZ 86040, **602 645-2471**

RIN: 1024–AB72

1114. SEQUOIA AND KINGS CANYON NATIONAL PARKS: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.8

Legal Deadline: None

Abstract: The proposed rulemaking would revise the Parks' fishing regulation. The changes would simplify existing fishing regulation, maintain the existing variety of recreational fishing opportunities, help restore the natural distribution and abundance of native species, help retard expansion of introduced species, and open most streams to fishing which are currently closed. Anglers would have to be able to identify fish they kept, and in some areas they would be required to use single barbless hooks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harold Werner, Fish and Wildlife Biologist, Department of

the Interior, National Park Service, Sequoia and Kings Canyon National Parks, Three Rivers, CA 93271, 209 565-3341

RIN: 1024–AB76

1115. BIG THICKET NATIONAL PRESERVE: HUNTING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.65

Legal Deadline: None

Abstract: The Service proposes to revise the hunting regulations that apply to the Big Thicket. Changes proposed include dates for open seasons, the use of temporary blinds, permits, the use of calling devices and the use of dogs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB48

1116. CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Legal Deadline: None

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off-road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA89

1117. MINERALS MANAGEMENT - NON-FEDERAL OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq.; 16 USC 410g; 16 USC 4101; 16 USC 459d-3; 16 USC 459h-3; 16 USC 698c; 16 USC 698i; 16 USC 460-2(i); 16 USC 450kk; 16 USC 230a; PL 100-301, Sec 8; PL 100-301, Sec 8; 31 USC 9701

CFR Citation: 36 CFR 9, Subpart B

Legal Deadline: Final, Statutory, January 29, 1989.
Section 8 of the Big Cypress National Preserve Addition Act directs the Secretary of the Interior to promulgate regulations governing nonfederal oil and gas development in the (cont)

Abstract: Several sections of 36 CFR Part 9, Subpart B contain ambiguous language which has caused confusion in interpreting the existing regulations. The NPS wants to make technical revisions to clarify requirements for both applicants and the Service. Also, the existing regulations exempt two classes of operators from compliance. Because of these exemptions, the regulations apply to only 35% of the existing operations resulting in avoidable impacts to park resources and visitor values from unregulated operations. Finally, the Service intends to revise the existing regulations to incorporate congressionally mandated requirements and timetables governing nonfederal oil and gas development in the Big Cypress National Preserve Addition. Examples of such revisions include: making the regulations applicable to all oil and gas operations within all units of the National Park System; updating terms for consistency with existing policies, practices, and laws; removing the monetary ceiling and floor on bonds and security deposits so that bonds may be calculated and posted commensurate with reclamation costs; revising sections of the regulations to make them consistent with the enabling (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	08/00/89	
Final Action Effective	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: legislation of affected units; and, clarifying compliance issues associated with different access conditions. Revisions will decrease the potential for prolonged uncertainty among applicants.

LEGAL DEADLINE CONT: "Addition" within nine months of the date of the enactment of that statute, which was signed into law on April 29, 1988.

Agency Contact: Pam Matthes, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW, Washington, DC 20013-7127, 202 523-5120

RIN: 1024–AB39

1118. MANAGEMENT OF MINERAL DEVELOPMENT ASSOCIATED WITH MINING CLAIMS

Significance: Agency Priority

Legal Authority: 16 USC 1901 et seq Mining in the Parks Act of 1976; 16 USC 1 et seq NPS Organic Act; 30 USC 21 et seq Mining Law of 1872

CFR Citation: 36 CFR 9, Subpart A

Legal Deadline: None

Abstract: The existing regulations at 36 CFR Part 9, Subpart A, promulgated in January of 1977, contain several provisions that are either outdated or have proven difficult to understand, enforce and comply with. Most notable is a provision regarding the use of water in connection with mining claims within National Park System units. The current language creates a "catch 22" for miners seeking to use water in connection with their claims. In order to use water in a park, a miner must have perfected water right. However, to obtain a perfected water right, a miner must use water. Herein lies the "catch 22." The National Park Service (NPS) would like to rectify this dilemma through a rule change that would eliminate the perfected water right language while at the same time preserve the Service's ability to protect water quality and quantity. Additional

changes sought by the NPS are as follows: Several sections of the regulations refer to a surface disturbance moratorium (mandated by the Mining in the Parks Act of 1976, 16 USC 1901 et seq) which expired in 1980. Other sections include transitional procedures used temporarily in implementing the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	07/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carol McCoy, Chief, Policy and Regulations Section, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L St., NW, Washington, DC 20013-7127, 202 523-5120

RIN: 1024–AB74

1119. MINERALS MANAGEMENT: NONFEDERAL RIGHTS OTHER THAN OIL AND GAS

Significance: Agency Priority

Legal Authority: 16 USC 1 et seq; 31 USC 9701; 5 USC 301

CFR Citation: 36 CFR 9, Subpart C

Legal Deadline: None

Abstract: Extensive nonfederal mineral rights exist within units of the National Park System. The Service presently regulates only nonfederal oil and gas activities occurring in those units. Mineral activities, other than those associated with nonfederal oil and gas, are occurring in approximately 13 units of the System. There are also 7 additional units in which nonfederal mineral development is currently proposed or has recently been proposed. The Service is charged by Congress to ensure that the development of nonfederal mineral rights within park boundaries is consistent with the purposes for which the units were established. The proposed regulation would establish procedures and standards governing nonfederal mineral development, other than nonfederal oil and gas, in a manner that protects affected park units until such time that the Service has sufficient funds to acquire the mineral right.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Determination of effects	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sharon Kliwinski, Environmental Protection Specialist, Land Resources Division, Department of the Interior, National Park Service, P.O. Box 37127, Room 3223, 1100 L Street, NW, Washington, DC 20013-7127, 202 523-5120

RIN: 1024–AB75

1120. ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT; DEPARTMENT OF THE INTERIOR REGULATIONS

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Legal Deadline: None

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/85	50 FR 43587
ANPRM Comment Period End	11/27/85	50 FR 43587
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AA49

1121. ● PROTECTION OF ARCHAEOLOGICAL RESOURCES; UNIFORM REGULATIONS

Legal Authority: PL 100-555; PL 100-588

CFR Citation: 43 CFR 7; 36 CFR 296; 18 CFR 1312; 32 CFR 229

Legal Deadline: None

Abstract: Amendments to the Archaeological Resources Protection Act of 1979 (PL 96-95) made by Congress in 1988 require amendments to the uniform regulations. Some of the amendments require changes in existing regulatory language, and some amendments add new responsibilities which may require additional regulatory guidance. Alternatives being considered are based upon the extent to which existing agency cultural resources management manuals address the new statutory responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Waldbauer, Archeologist, Department of the Interior, National Park Service, Archeological Assistance Division, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4113

RIN: 1024–AA51

DEPARTMENT OF THE INTERIOR (DOI)

Final Rule Stage

National Park Service (NPS)

1122. ● VEHICLES AND TRAFFIC SAFETY: MANDATORY SEATBELT REGULATION

Significance: Agency Priority

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 4.15

Legal Deadline: NPRM, Statutory, October 1988.

Abstract: This rulemaking would establish an NPS mandatory seatbelt regulation to apply in park areas that are located within States that do not have a seatbelt law in effect. This regulation would affect 100 park areas in 18 States. The regulation would apply to all of a vehicle's front seat occupants except those that are occupying a seat that was not originally equipped by the manufacturer with a seatbelt and those with a medical condition that prevents restraint by a seatbelt.

The National Park Service is required to issue the proposed rule by a provision in the Department's 1989 FY Appropriations Act.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51526
NPRM Comment Period End	02/21/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Loach, Staff Park Ranger, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-4206

RIN: 1024–AB83

1123. CUYAHOGA VALLEY NRA: OFF-ROAD VEHICLES AND SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.17

Legal Deadline: None

Abstract: The Service proposes to designate routes for off-road vehicles and snowmobile use in compliance with Executive Order 11644, in an area west of Riverview Road bounded by I-80 and I-271.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22662
NPRM Comment Period End	07/15/87	52 FR 22662
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brian McHugh, Chief Park Ranger, Cuyahoga Valley NRA, Department of the Interior, National Park Service, 15610 Vaughn Road, Brecksville, OH 44141, 216 526-5256

RIN: 1024–AB44

1124. CANYON DE CHELLY NATIONAL MONUMENT

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.19

Legal Deadline: None

Abstract: This proposed rulemaking will establish criteria for the operation of horse rental facilities within Canyon De Chelly National Monument.

Timetable:

Action	Date	FR Cite
NPRM	05/27/87	52 FR 19735
NPRM Comment Period End	06/26/87	52 FR 19735
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ken Mabery, Park Ranger, Department of the Interior, National Park Service, Southwest Region, P.O. Box 728, Santa Fe, NM 87501, 505 988-6371

RIN: 1024–AB47

1125. FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Legal Deadline: None

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and conch and to update boundary changes mandated by congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28110
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA96

1126. JEAN LAFITTE NHP: CRAWFISHING REGULATIONS

Legal Authority: 16 USC 3; 16 USC 230d

CFR Citation: 36 CFR 7.37

Legal Deadline: None

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	08/18/86	51 FR 29498
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Isenogle, Superintendent, Jean Lafitte National Historical Park, Department of the Interior, National Park Service, 423 Canal Street, Rm. 206, New Orleans, LA 70130, 504 589-3882

RIN: 1024–AB33

1127. EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Legal Deadline: None

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General

Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	08/05/86	51 FR 28108
NPRM Comment Period End	09/04/86	51 FR 28108
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AB10

1128. LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB19

1129. ● CAPE COD NATIONAL SEASHORE: OFF-ROAD VEHICLE REGULATIONS

Significance: Regulatory Program

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.67

Legal Deadline: None

Abstract: The Department proposes to modify the vehicle routes and travel restrictions at Cape Cod National Seashore established by the existing Cape Cod Off-Road Vehicle Regulations, which were adopted on September 3, 1985, by opening additional beach areas to off-road vehicle use and to allow use of some of the beaches at night only by off-road vehicles.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $35,000; Base Year for Dollar Estimates: 1989

Agency Contact: Anthony Bonanno, Chief Ranger, Department of the Interior, National Park Service, Cape Cod National Seashore, South Wellfleet, MA 02663, 508 349-3785

RIN: 1024–AA91

1130. ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Legal Deadline: None

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	05/09/85	50 FR 19546
NPRM Comment Period End	06/10/85	50 FR 19546
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Reynolds, Superintendent, North Cascades National Park, Department of the Interior, National Park Service, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB28

1131. ROCKY MOUNTAIN NATIONAL PARK: TRUCKING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7

Legal Deadline: None

Abstract: The Service proposes to revise regulations that address permit requirements and establish a fee schedule for commercial trucks that use Trail Ridge Road within Rocky Mountain National Park.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32924
NPRM Comment Period End	09/28/88	
Final Action	04/15/89	
Final Action Effective	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Essex, Chief Ranger, Rocky Mountain National Park, Department of the Interior, National Park Service, Estes Park, CO 80517, 303 586-2371

RIN: 1024–AB67

1132. BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Legal Deadline: None

Abstract: This rule will define the statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve. Although a proposed rule was published in 1981, a revised proposed rulemaking will be developed.

Timetable:

Action	Date	FR Cite
NPRM	11/21/81	46 FR 55709
NPRM	05/10/88	53 FR 16561
NPRM Comment Period End	07/11/88	53 FR 16561
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office,

75 Spring Street, SW, Atlanta, GA 30303, **404 242-4916**

RIN: 1024–AA07

1133. WHISKEYTOWN NATIONAL RECREATION AREA FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service is proposing to allow fishing at Whiskeytown National Recreation area in any manner authorized under applicable State law.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
NPRM Comment Period End	03/10/88	53 FR 3759
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, PO Box 188, Whiskeytown, CA 96095, **916 241-6584**

RIN: 1024–AB61

1134. WHISKEYTOWN UNIT, WHISKEYTOWN - SHASTA - TRINITY NRA GOLD PANNING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.91

Legal Deadline: None

Abstract: The Service proposes to allow visitors to engage in limited gold panning activities, using pan and trowel only, in certain designated streams within the recreation area. Any gold recovered by such methods could be retained for personal, non-commercial use.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3759
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ray Foust, Superintendent, Department of the Interior, National Park Service, Whiskeytown National Recreation Area, Box 188, Whiskeytown, CA 96095, **916 241-6584**

RIN: 1024–AB71

1135. BIGHORN CANYON NATIONAL RECREATION AREA - FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.92

Legal Deadline: None

Abstract: The Service proposes to authorize fishing at Bighorn Canyon National Recreation area in any manner authorized under the applicable laws of Montana and Wyoming.

Timetable:

Action	Date	FR Cite
NPRM	10/10/86	51 FR 36409
NPRM Comment Period End	11/10/86	51 FR 36409
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Lake, Chief, Park Ranger, Bighorn Canyon NRS, Department of the Interior, National Park Service, PO Box 458, Ft. Smith, MT 59035, **406 666-2412**

RIN: 1024–AB63

1136. NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve, Gates of the Arctic National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboat and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	04/06/83	48 FR 14978
NPRM Comment Period End	06/06/83	48 FR 14978
Comment Period Extension Begin	06/06/83	48 FR 26319
Comment Period Extension Ends	08/06/83	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: David B. Ames, Associate Regional Director, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, **907 271-2664**

RIN: 1024–AA71

1137. KATMAI NATIONAL PARK AND PRESERVE FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.66

Legal Deadline: None

Abstract: This proposal is to modify fishing regulations for the Brooks River in Katmai National Park and Preserve. A change will be made to the open bait season on the Naknek River to remain consistent with changing State regulations.

This proposal is consistent with National Park Service General Regulations and Policies.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29746
NPRM Comment Period End	10/07/88	53 FR 29746
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen Hurd, Chief Ranger, Department of the Interior, National Park Service, P.O. Box 7, King Salmon, AK 99613, **907 246-3305**

RIN: 1024–AB78

1138. FIRE ISLAND NATIONAL SEASHORE: ZONING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Legal Deadline: None

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37586
NPRM Comment Period End	11/06/87	52 FR 37586
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-1178**

RIN: 1024–AA80

1139. NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Legal Deadline: None

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	
NPRM	08/05/86	51 FR 28204
NPRM Comment Period End	10/06/86	51 FR 28204
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9500**

RIN: 1024–AA44

1140. DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Legal Deadline: None

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	08/05/86	51 FR 28216
NPRM Comment Period End	10/06/86	51 FR 28216
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Chief, National Register Branch, Interagency Resources Division, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9539**

RIN: 1024–AA46

1141. HISTORIC PRESERVATION CERTIFICATIONS PURSUANT TO SECTION 48(G) AND SECTION 170(H) OF THE INTERNAL REVENUE CODE OF 1986

Legal Authority: 16 USC 470(a)(1)(A); 26 USC 48 (g); 26 USC 170(h)

CFR Citation: 36 CFR 67, (Revised)

Legal Deadline: None

Abstract: This proposed rule restates and makes amendments to the procedures by which owners desiring tax benefits for rehabilitation of historic buildings apply for certifications pursuant to Section 48(g) and Section 170(h) of the Internal Revenue Code of 1986. These tax laws require certifications from the Secretary of the Interior in order for taxpayers to receive tax benefits.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18292
NPRM Comment Period End	07/22/88	53 FR 18292
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: H. Ward Jandl, Chief, Technical Preservation Services Branch, Department of the Interior, National Park Service, P O Box 37127, Washington, DC 20013-7127, **202 343-9584**

RIN: 1024–AB73

1142. CURATION OF FEDERALLY OWNED AND ADMINISTERED ARCHEOLOGICAL COLLECTIONS

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Legal Deadline: None

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally owned and administered prehistoric and historic archeological artifacts and associated records recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), Section 110 of the National Historic Preservation Act of 1966 (as amended) and the Archeological Resources Protection Act of 1979. The regulation will establish (a) minimum standards for repositories that provide long-term curatorial services; (b) guidelines for Federal agencies for entering into contracts and agreements with repositories and other parties for the care and management of collections; (c) guidelines for access to, loan of and use of collections; and (d) guidelines for the exchange and ultimate disposition of collections.

Timetable:

Action	Date	FR Cite
ANPRM	10/11/85	50 FR 41527
ANPRM Comment Period End	11/12/85	50 FR 41527
NPRM	08/28/87	52 FR 32740

DOI—NPS

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	10/27/87	52 FR 32740
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The proposed rule was published for public comment on August 28, 1987. Comments were received from 41 agencies and organizations, including 11 Federal agencies, 7 State agencies, 8 Indian tribes and organizations, 7 museums, 5 archeological and museum organizations, 2 industrial firms, and 1 individual. The National Park Service is in the process of analyzing the comments, making appropriate revisions, and preparing responses to the comments for publication in the preamble of the final rulemaking.

Agency Contact: Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127, 202 343-1876

RIN: 1024–AB13

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Completed Actions

1143. ROCKY MOUNTAIN NATIONAL PARK: FISHING REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7(a)

Legal Deadline: None

Abstract: The Service proposes to revise this section to further define waters closed to fishing as well as to further clarify the possession limit of fish.

Timetable:

Action	Date	FR Cite
NPRM	08/16/88	53 FR 30849
NPRM Comment Period End	09/15/88	
Final Action	01/27/89	54 FR 4019
Final Action Effective	02/27/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David R. Stevens, Research Biologist, Department of the Interior, National Park Service, Rocky Mountain National Park, Estes Park, CO 80517, 303 586-2371

RIN: 1024–AB46

1144. NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Legal Deadline: None

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
No further action will be taken at this time.	02/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David B. Ames, Associate Regional Director, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024–AB18

1145. CEMETERY SITES AND HISTORICAL PLACES

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Legal Deadline: None

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
No further action will be taken at this time.	02/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-2660

RIN: 1024–AA84

BILLING CODE 4310-70-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Prerule Stage

1146. INDIVIDUAL INDIAN MONEY ACCOUNTS

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Legal Deadline: None

Abstract: The Individual Indian Money Account program involves funds held in trust status for individuals. Although the rule generally prohibits voluntary accounts, except in circumstances of substantial hardship, the Bureau currently maintains many such accounts in the program. The current regulations will be revised to include specific criteria which must be met by voluntary depositors and which determine cases of "substantial

hardship" as required by the regulations.

Timetable:

Action	Date	FR Cite
Revise regulations for Exception Criteria	04/00/89	
NPRM	09/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Betty L. Wilkinson, Chief, Division of Accounting Management, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4807

RIN: 1076–AB91

1147. ● REVISED PROCEDURES FOR IMPLEMENTATION OF THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS OF 1988

Significance: Regulatory Program

Legal Authority: 93 USC 638; 100 USC 202; 100 USC 446; 100 USC 472; 100 USC 581

CFR Citation: 25 CFR 271; 25 CFR 272; 25 CFR 274; 25 CFR 275; 25 CFR 276; 25 CFR 277; 25 CFR 286

Legal Deadline: NPRM, Statutory, August 5, 1989. Final, Statutory, October 5, 1989.

Abstract: The primary purpose of the amendments to 93 USC 638 is to permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services while maintaining the Federal Government's unique and continuing relationship with and responsibility to individual Indian tribes and to the Indian people as a whole. In addition to extensive consultation with the tribes and Native American groups, the Bureau of Indian Affairs is examining all of its planning administrative procedures from the perspective of maximizing tribal participation. Due to the broad scope of the review, an estimate of the potential cost and potential benefit is premature. The changes are one of process rather than increases or decreases in budget or program funding. The major potential cost is to the Federal Government in order to meet the insurance requirement of the law. The amount is undetermined to date.

Timetable:

Action	Date	FR Cite
ANPRM	04/05/89	
NPRM	08/05/89	
NPRM Comment Period End	09/05/89	
Final Action Effective	10/05/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Bonnie Paquin, Coordinator, Department of the Interior, Bureau of Indian Affairs, Room 4641-MIB, 18th & C Streets, NW, Washington, DC 20240, 202 343-5706

RIN: 1076–AC20

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Proposed Rule Stage

1148. PROCEDURES FOR ESTABLISHING THAT AN AMERICAN INDIAN GROUP EXISTS AS AN INDIAN TRIBE

Significance: Regulatory Program

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 83

Legal Deadline: None

Abstract: The proposed rule revision will resolve problems encountered with existing regulations published almost ten years ago. Revisions will reduce time and resources required to process petitions, clarify terms and definitions, interpret criteria, add a process whereby groups may withdraw a petition, improve the appeal process and respond to changing conditions. The revised rule will be more cost effective for the Department and Indian groups petitioning for Federal acknowledgment. The proposed revisions will be published taking into consideration ten years of experience with the regulations. Revisions will reflect recommendations received from the Congress, Indian groups and tribes, other Federal agencies and national organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lynn Forcia, Chief, Branch of Acknowledgment and Research, Department of the Interior, Bureau of Indian Affairs, Room 4627, Main Interior, 18th & C Streets, NW, Washington, DC 20240, 202 343-3568

RIN: 1076–AC15

1149. THE INDIAN POLICE

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is revising its regulations governing the Bureau's police operations to make them consistent with contemporary enforcement policies and procedures and changes in the Interior Department Manual and the DIA Manual.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Donovan, Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 1951

Constitution Ave., NW, Room 1364, Code 430, Washington, DC 20245, 202 343-5788

RIN: 1076–AB98

1150. SMALL ESTATES - OSAGE

Legal Authority: 92 Stat. 1660

CFR Citation: 25 CFR 18

Legal Deadline: None

Abstract: This rulemaking action would permit the Field Solicitor, Pawhuska, Oklahoma, to determine the heirs, devisees and/or legatees of estates under the jurisdiction of the Osage Agency, consisting of Osage headright interest, real estate on which restrictions against alienation have not been removed, and/or funds on deposit at the Osage Agency, all of which do not exceed a valuation of $10,000 on the date of death of a decedent, when requested in writing by one or more of the heirs, devisees and/or legatees; provided, that a court of competent jurisdiction has not proceeded to administer or probate the estate. The administration of such estates by the Field Solicitor would alleviate the necessity of the employment of an attorney by the beneficiaries, approval of the will pursuant to 25 CFR Part 17, and the filing of administration or probate proceedings in State Court. Because of the size of these estates, it is financially impractical for the beneficiaries to employ attorneys for that purpose.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Howard Piepenbrink, Chief, Branch of Titles and Research, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-5473

RIN: 1076–AC18

1151. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 98-473

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: The Bureau is amending existing Financial Assistance and Social Services Program regulations to further define the adult care services provided to Indian people. These proposed regulations define the extent of the program, establish eligibility requirements, and establish adult care services as a social services program separate and distinct from the general assistance program. The revision is needed to specifically define the Bureau's role in the provision of institutional and in-home care to Indian adults who are mentally or physically handicapped or otherwise disabled. The Bureau is also amending miscellaneous assistance provisions to conform with the congressional directive in Public Law 98-473. Miscellaneous assistance will be revised and defined as burial assistance. Emergency assistance previously provided under miscellaneous assistance was transferred to general assistance by revision of 25 CFR Part 20(c) on September 30, 1985.

Timetable:

Action	Date	FR Cite
Distribute draft rule to all Area Offices for review	04/30/89	
NPRM	06/30/89	
Final Action	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert F. Delaware, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-6434

RIN: 1076–AB99

1152. FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20

Legal Deadline: None

Abstract: This rulemaking action is being taken to further define various programmatic responsibilities of the Child Welfare Assistance and Child and Family Service Program under this part.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	
NPRM Comment Period End	06/30/89	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert F. Delaware, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6434

RIN: 1076–AC13

1153. ADMINISTRATION OF A PROGRAM OF EMPLOYMENT ASSISTANCE FOR ADULT INDIANS

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 28

Legal Deadline: None

Abstract: The purpose of the rule is to combine the rules described in 25 CFR Part 26, Employment Assistance for Adult Indians, and 25 CFR Part 27, Vocational Training for Adult Indians, into a new 25 CFR Part 28. The application and selection process, financial assistance, program services, and employment as the objective are common to both Parts 26 and 27. Another purpose is to establish uniform procedures for administration of the employment assistance for adult Indians program and include requirements to improve the administrative efficiency of the program.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Deane Poleahla, Actg. Division Chief, Job Placement and Training, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-3570

RIN: 1076–AA04

1154. SCHOOL BOARDS

Significance: Agency Priority

Legal Authority: 25 USC 2001 et seq

CFR Citation: 25 CFR 35

Legal Deadline: None

Abstract: The purpose of this rule is to define and delineate the duties and responsibilities of local Indian School Boards in accordance with Federal statutes and regulations. This rule will provide Bureau-wide consistency for the overall exercise of authority and control of Bureau operated schools.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076–AC14

1155. GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Significance: Agency Priority

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Legal Deadline: None

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virgil Akens, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4871

RIN: 1076–AA11

1156. CERTIFICATES OF DEGREE OF INDIAN BLOOD

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 70

Legal Deadline: None

Abstract: This rulemaking action is to add a new Part 70 to govern the issuance of Certificates of Degree of Indian Blood (CDIB's). There has been a sharp increase in the number of requests for CDIB's over the past few years. More and more programs are requiring individuals to submit CDIB's to document possession of Indian blood. This rulemaking action is intended to clarify the circumstances under which the Bureau will issue CDIB's; the documents and records on which the Bureau will base the issuance of CDIB's; and the procedures that individuals will need to follow, including any documentation requirements, to obtain CDIB's.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-1702

RIN: 1076–AC19

1157. LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Legal Deadline: None

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984 and 1988, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Nephew, Acting Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5831

RIN: 1076–AC00

1158. LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Legal Authority: 88 Stat. 77

CFR Citation: 25 CFR 103

Legal Deadline: None

Abstract: This part is being revised to incorporate legislative changes made pursuant to the Amendments to the Indian Financing Act of 1984 and 1988, to reflect policy changes in program administration and to add clarifying language to the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Nephew, Acting Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5831

RIN: 1076–AC01

1159. LEASING AND PERMITTING

Significance: Agency Priority

Legal Authority: 25 USC 395; 25 USC 402; 25 USC 403; 25 USC 466

CFR Citation: 25 CFR 162

Legal Deadline: None

Abstract: The Bureau proposes to reorganize Part 162 into subparts to facilitate the use of the regulations for easier reference and to incorporate

requirements for grazing permits within the rule for Leasing and Permitting. The inclusion of the requirements for grazing permits in this part will result in the removal of 25 CFR Part 166, General Grazing Regulations, from the 25 CFR.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dave Pennington, Natural Resources Officer, Billings Area Office, Department of the Interior, Bureau of Indian Affairs, 316 North 26th Street, Billings, MT 58101, 406 657-6145

RIN: 1076–AA29

1160. ROADS OF THE BUREAU OF INDIAN AFFAIRS

Legal Authority: 25 USC 47; 25 USC 318a; 23 USC 202; 23 USC 204

CFR Citation: 25 CFR 170

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing revising 25 CFR Part 170 to reflect the current Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) policies for the road systems on Indian reservations, to assure funds are apportioned from the Highway Trust Fund (HTF) for construction projects on Indian reservations roads in accordance with the relative needs of the reservation, and to implement tribal self-determination.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ball, Chief, Division of Transportation, Department of the Interior, Bureau of Indian Affairs, 18th & C Streets, NW, Washington, DC 20240, 202 343-4359

RIN: 1076–AB05

1161. LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Legal Deadline: None

Abstract: This rule is being revised to ensure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Keel, Chief, Division of Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AB41

1162. INDIAN BUSINESS DEVELOPMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 1524 Indian Financing Act of 1974

CFR Citation: 25 CFR 286

Legal Deadline: None

Abstract: This rule will activate an old grant program that has been granted appropriation authority since FY 1986. The Indian Financing Act amendments of 1984 authorize grants up to $250,000 to tribes and up to $100,000 to individual Indians for economic enterprises.

Timetable:

Action	Date	FR Cite
NPRM	05/05/89	
NPRM Comment Period End	06/05/89	
Final Action	08/05/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Nephew, Actg. Chief, Div. of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Office of Trust and Economic Development, Division of Financial Assistance, Washington, DC 20240, 202 343-5831

RIN: 1076–AA55

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Final Rule Stage

1163. APPEALS FROM ADMINISTRATIVE ACTIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Legal Deadline: None

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	11/06/87	52 FR 43006
NPRM Comment Period End	01/05/88	52 FR 43006
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anne Bolton, Management Analyst, Department of the Interior, Bureau of Indian Affairs, Room 320 - Interior South, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-4689

RIN: 1076–AB21

1164. LAW AND ORDER ON INDIAN RESERVATIONS

Significance: Agency Priority

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Legal Deadline: None

Abstract: The present regulations contain a very incomplete criminal code that does not cover many areas of the law that are usually in the laws of the State where the reservation is located. The current regulations also contain very sketchy provisions on criminal and civil procedure. It is proposed to update the sections on criminal offenses, and essentially create new sections on criminal procedures, domestic relations, probate proceedings, appellate proceedings and juvenile proceedings. This will provide the Courts of Indian Offenses with more complete and up to date procedures and rules. Courts will have a six month period from the date of publication of the final rule to the effective date in which to revise their court codes. It is not anticipated that this revision will have any effect on the annual case load for these courts or require additional staffing. Therefore, the initiation of these rules should not result in additional costs.

Timetable:

Action	Date	FR Cite
NPRM	10/24/85	50 FR 43235
NPRM Comment Period End	01/31/86	51 FR 400
Code revisions by courts	04/01/89	
Final Action	04/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Maria Mendoza, Branch of Judicial Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-1400

RIN: 1076–AA01

1165. ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Significance: Regulatory Program

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Legal Deadline: None

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 USC 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6482
NPRM Comment Period End	05/04/87	52 FR 11503
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Originally scheduled: January 1980.

Agency Contact: Virgil Akens, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076–AA10

1166. ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Significance: Agency Priority

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Legal Deadline: None

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	12/30/87	52 FR 49172
NPRM Comment Period End	02/29/88	52 FR 49172
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virgil Akens, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076–AA15

1167. PREPARATION OF ROLLS OF INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; PL 100-139

CFR Citation: 25 CFR 61

Legal Deadline: Final, Statutory, October 26, 1988.
One year from date of enactment for completion of the tribal membership roll.

Abstract: This rulemaking action is being taken to amend the regulations contained in 25 CFR Part 61. Part 61 contains general enrollment procedures which can be made specifically applicable in the preparation of a particular roll by the Secretary by amending section 61.4 to include the qualifications for enrollment for that particular roll. Under the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987, the Secretary has been directed to prepare certain rolls of Cow Creek Indians to be used in the implementation of the Act. The proposed amendment is, therefore, to make the procedures contained in Part 61 applicable to the preparation of the Cow Creek rolls by adding in section 61.4 the qualifications for enrollment for each of the rolls to be prepared.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20335
NPRM Comment Period End	07/05/88	53 FR 20335
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen L. Slover, Tribal Enrollment Specialist, Department of the Interior, Bureau of Indian Affairs, Room 2609 Main Interior, 1951 Constitution Ave., NW, Washington, DC 20245, **202 343-1702**

RIN: 1076–AC11

1168. ATTORNEY FEE CONTRACTS WITH INDIAN TRIBES; PAYMENT OF TRIBAL ATTORNEY FEES WITH FEDERALLY APPROPRIATED FUNDS

Significance: Agency Priority

Legal Authority: 5 USC 301; 25 USC 476; 25 USC 13; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 89.40 to 89.46

Legal Deadline: None

Abstract: The Bureau of Indian Affairs proposes to revise the rule concerning the circumstances under which the Bureau of Indian Affairs, in the performance of the Federal Government's trust responsibility to Indian tribes, may, in its discretion, provide Departmental funds to an Indian tribe or other Indian organization for the payment of a private attorney's legal services. The proposed revisions would not change the underlying policy of the current rule which is to pay for private counsel to represent Indian tribes only in exceptional circumstances. The principal changes involve representation in child custody proceedings, services of tribal court personnel, and non-litigation services. The proposed revision would also provide that when trust resources are involved, tribes and individual Indian allottees are eligible to apply for and receive federally appropriated funds under 25 CFR 89.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2722
NPRM Comment Period End	03/24/86	51 FR 2722
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Keel, Special Assistant, Office of Trust and Economic Development, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 201, Washington, DC 20245, **202 343-1861**

RIN: 1076–AB87

1169. MANAGEMENT OF OSAGE JUDGMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Significance: Agency Priority

Legal Authority: 86 Stat. 1295

CFR Citation: 25 CFR 122

Legal Deadline: None

Abstract: The implementing rule for 25 CFR 122 has been reviewed and a determination was made that the portion of the regulations governing socio-economic programs is no longer needed. The rule will be revised to remove that portion of the program.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24732
NPRM Comment Period End	08/29/88	53 FR 24732
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virgil Akens, Acting Chief, Branch of Postsecondary Education, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4871**

RIN: 1076–AB51

1170. NAVAJO GRAZING REGULATIONS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 167

Legal Deadline: None

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 USC 640d and 640d-28. The rule will form Subpart B of the Existing Navajo Grazing Regulations, which are redesignated as Subpart A of 25 CFR Part 167.

Timetable:

Action	Date	FR Cite
NPRM	03/05/87	52 FR 6822
NPRM Comment Period End	08/03/87	52 FR 6822
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulation of 25 CFR 167 and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi partitioned lands on September 8, 1982. During the past year several meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo partitioned land in the regulations. The Navajo Tribe expressed the desire for separate regulations and the Bureau has drafted a new regulation for Navajo Partitioned Land within the existing 25 CFR Part 167.

Agency Contact: Frank H. Khattat, Natural Resources Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-3959**

RIN: 1076–AA33

1171. RIGHTS-OF-WAY OVER INDIAN LANDS

Legal Authority: 5 USC 301; 25 USC 323 to 328

CFR Citation: 25 CFR 169

Legal Deadline: None

Abstract: The Bureau of Indian Affairs intends to amend several sections of its rights-of-way regulations which impose a variety of specific requirements on grantees of rights-of-way over Indian lands. These requirements were intended to implement public laws enacted around the turn of the century which authorized the Secretary of the Interior to issue rights-of-way for various specific purposes. In 1948 Congress gave the Department comprehensive authority to grant rights-of-way for any purpose or any term of years without the antiquated restrictions of the older statutes. The regulations continue to reflect the old requirements and the result has been inconsistent application of the 1948 Act. The removal or revisions of these sections would end that practice.

DOI—BIA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Hissong, Realty Specialist, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 220, Washington, DC 20245, 202 343-3611

RIN: 1076–AB89

1172. CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Significance: Agency Priority

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Legal Deadline: None

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished as a proposed rule on 10/21/87 (52 FR 39332) to allow for additional public comment.

Agency Contact: Frank Keel, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AA38

1173. LEASING OF ALLOTTED LANDS FOR MINING

Significance: Agency Priority

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Legal Deadline: None

Abstract: As a result of the public comments on the proposed rules for 25 CFR Parts 211 and 225, it has been determined that this part will not be removed. Public response to the proposed rule contained reasonable and compelling arguments for retaining 25 CFR Part 212 and for restructuring the format of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM for removal	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The rule was republished for proposed removal with the proposed rulemaking actions for 25 CFR Parts 211 and 225 on 10/21/87 (52 FR 39332).

Agency Contact: Frank Keel, Chief, Div. of Energy & Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AA39

1174. OIL AND GAS MINERAL AGREEMENTS

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Legal Deadline: None

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
NPRM	10/21/87	52 FR 39332
NPRM Public Comment Period End	12/21/87	52 FR 39332
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Originally scheduled: April 1983.

Agency Contact: Frank Keel, Chief, Div. of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2790

RIN: 1076–AA82

1175. LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Legal Authority: Sec 3, 34 Stat. 543; Sec 1, 45 Stat. 1478; Sec 2, 45 Stat. 1478; Sec 1, 45 Stat. 1479; Sec 2, 45 Stat. 1479

CFR Citation: 25 CFR 226

Legal Deadline: None

Abstract: The rules are being amended to strengthen the management of the Osage mineral estates and relieve the Osage oil lessees from basing the payment of royalties to the Osage Tribe on the offered or posted price of a major purchaser in the Kansas-Oklahoma area. These regulations will improve the management of the Osage mineral estate and will alleviate the economic hardship placed on the oil lessees.

Timetable:

Action	Date	FR Cite
NPRM	10/16/87	52 FR 38608
NPRM Comment Period End	11/16/87	52 FR 38608
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Keel, Chief, Division of Energy and Mineral Resources, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-2790

RIN: 1076–AC09

DOI—BIA

Final Rule Stage

1176. BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Legal Deadline: None

Abstract: This rule will be codified as the new 48 CFR 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding building construction) entered pursuant to the Act of June 25, 1910 (25 USC 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
Proposed	11/15/84	49 FR 45187
NPRM	06/30/88	53 FR 24738
NPRM Comment Period End	08/01/88	53 FR 24738
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Procurement Analyst, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3498

RIN: 1076–AA56

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Completed Actions

1177. EDUCATION PERSONNEL

Significance: Agency Priority

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Legal Deadline: None

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33382
NPRM Comment Period End	10/02/87	52 FR 33382
Final Action	09/27/88	53 FR 37674
Final Action Effective	10/27/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4672

RIN: 1076–AB02

1178. REVOLVING CATTLE POOL

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 102

Legal Deadline: None

Abstract: This program was transferred to the Bureau of Indian Affairs in the 1950's and is currently inactive. There have been no funds appropriated for the program; therefore, this part is proposed for removal. The terms and conditions of loans of cattle by the United States Government to tribes, tribal corporations or tribal members were prescribed in 25 CFR 102. The loans consisted of cattle repayable in kind or assignment of cattle under specific agreements.

Timetable:

Action	Date	FR Cite
Final Action	11/01/88	53 FR 44010
Final Action Effective	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Pursuant to 5 USC 553(b)(B), the Bureau of Indian Affairs has determined that notice and public procedure concerning removal of this rule are unnecessary because there is no longer an active revolving cattle pool activity under this part.

Agency Contact: Richard Nephew, Acting Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3657

RIN: 1076–AC02

1179. SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Significance: Agency Priority

Legal Authority: 43 Stat. 476, Sec 5; 45 Stat. 210; 45 Stat. 211; 5 USC 301

CFR Citation: 25 CFR 177

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is amending the pertinent sections of the regulations governing charges and costs assessed the electric power customers for the electric power, energy and associated electric power services provided by the San Carlos Indian Irrigation Project (Project), Arizona. The purpose of the regulatory amendments is to increase the costs to the public for the services provided by the electric power division of the Project. The proposed rules increase the electric power assessment rates in the residential and general service rate schedules. This action causes the generation of needed additional revenues for the Project. The increased assessment rates reflect the increased operating costs associated with labor, equipment and supplies. The electric power bills for service under the residential and general rate schedules will be increased by approximately 12.4 percent.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46781
NPRM Comment Period End	01/11/88	52 FR 46781
Final Action	01/04/89	54 FR 111
Final Action Effective	01/04/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Samuel Miller, Water and Land Resources Officer, Division of Water and Land Resources, Department of the Interior, Bureau of Indian Affairs,

18th and C Streets, NW, Washington, DC 20240, 202 343-4004

RIN: 1076–AC08

1180. TRIBAL BINGO MANAGEMENT CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 81; 25 USC 415; 25 USC 301

CFR Citation: 25 CFR 287

Legal Deadline: None

Abstract: The Bureau of Indian Affairs is proposing a new rule which establishes the requirements to be met and procedures to be followed to obtain approval of management contracts for tribal bingo enterprises. This action is necessary because the Federal courts have held that such management contracts are null and void without Secretarial approval pursuant to 25 USC 81. The intended effect of this rule is to replace the administrative guidelines previously announced by the Bureau for approval of such contracts and to establish uniform minimum standards for the review and approval of all such gaming management contracts.

Timetable:

Action	Date	FR Cite
Withdrawn : no further action will be taken at this time.	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Starr, Staff Assistant, Office of the Assistant Secretary, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-6031

RIN: 1076–AC07

BILLING CODE 4310-02-T

DEPARTMENT OF THE INTERIOR (DOI) — Proposed Rule Stage

Minerals Management Service (MMS)

1181. ● AMENDMENT OF DUAL ACCOUNTING REQUIREMENT IN GAS VALUATION REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations require that the value of certain processed gas that is not sold pursuant to an arm's-length contract shall be the greater of value determined by two different methods. The comparison of the two values is commonly referred to as "dual accounting." The dual accounting requirement results in the inconsistent valuation of gas depending on whether it is sold in an arm's-length or a non-arm's length situation. Regulation amendments are being developed which would eliminate the accounting for comparison requirement except where required by lease terms.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB28

1182. ● AMENDMENT OF VALUATION BENCHMARKS IN GAS REGULATIONS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The existing regulations provide for the valuation of unprocessed gas, residue gas, or any gas plant product which is not sold pursuant to an arm's-length contract to be determined in accordance with a benchmark method. In the final regulations, MMS adopted as the first benchmark the lessee's gross proceeds received under its non-arm's-length transaction if they were equivalent to the gross proceeds received under comparable arm's-length contracts for like-quality production in the same field or area. The criteria to be considered in defining comparable contracts were also outlined. However, since the adoption of the revised regulations, numerous questions have been raised as to the interpretation of the first benchmark. These questions been identified the need to further clarify MMS's intention in this regard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB29

1183. ● REVISION OF REGULATIONS GOVERNING INTEREST RATE APPLICABLE TO LATE PAYMENTS AND UNDERPAYMENTS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 218

Legal Deadline: None

Abstract: Existing regulations at 30 CFR 218.54, 218.55, and 218.103 govern the rate of interest to be charged on underpayments or late payments of royalty by lessees and other royalty payors, and the rate of interest to be paid on late disbursements of an Indian Tribe's or Allottee's royalty or a State's share of royalty revenues. These regulations reference section 6621 of the Internal Revenue Code of 1954 for the applicable interest rate in each situation. However, section 6621 was amended by the Tax Reform Act of 1986 to provide for a different interest rate for overpayments and for underpayments. A rule amendment is required to clarify an ambiguity in the existing regulations, created by the amendment to section 6621, as to which of two different rates would apply.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	07/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB32

1184. RECOUPMENTS AND REFUNDS OF EXCESS PAYMENTS UNDER FEDERAL OFFSHORE MINERAL LEASES

Significance: Regulatory Program

Legal Authority: 43 USC 1339

CFR Citation: 30 CFR 230

Legal Deadline: None

Abstract: This rulemaking is needed to add new regulations covering recoupment and refunds of excess payments made under Federal offshore mineral leases which are subject to section 10 of the Outer Continental Shelf Lands Act of 1953 (OCSLA), 43 USC 1339. This rule would establish requirements and guidelines for crediting (recouping) excess payments of royalties, rentals, bonuses, or other amounts against a current or future payment obligation or refunding such excess payment to any person lawfully entitled to receive a refund or credit for an overpayment made under an offshore lease. The new regulation is intended to lessen confusion on the part of payors, operators, and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB11

1185. REVISION OF REGULATIONS GOVERNING APPEALS

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 243

Legal Deadline: None

Abstract: Payors who appeal a bill for payment of additional royalty, rents, bonuses, penalties, or other assessments, are required by the existing appeal regulations to submit payment of the billed amount or to post a bond in an amount adequate to indemnify the lessor from loss or damage. However, some bills for payment that have been appealed have been neither paid nor secured by an acceptable surety. An amendment to the existing regulations is needed to establish a requirement that payment must be made or that an acceptable surety must be posted within a specified period of time as a condition for acceptance of the appeal for consideration by the Director, Minerals Management Service (MMS). An amendment is also needed to permit the posting of letters of credit, in addition to bonds, in accordance with current MMS practice.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB13

1186. AIR QUALITY – OUTER CONTINENTAL SHELF WIDE

Significance: Regulatory Program

Legal Authority: 30 USC 1334

CFR Citation: 30 CFR 250.44; 30 CFR 250.45; 30 CFR 250.46; 30 CFR 250.57

Legal Deadline: None

Abstract: Amendments to the Department of the Interior (DOI) Air Quality regulation for oil and gas operations will be proposed for all Outer Continental Shelf (OCS) areas The changes would update requirements and consider the need for current information collection burdens, and provide additional safeguards for those pollutants which could be critical to air quality in areas adjoining the OCS. A determination of potential costs and benefits cannot be made until the final rulemaking has been prepared for RIN 1010-AA61, dealing with amendments to the DOI Air Quality regulation for oil and gas operations adjacent to the State of California. Considerable information has been developed during the negotiations conducted to implement that rulemaking. There have also been revisions to the related Environmental Protection Agency regulations which will affect both of these rulemakings. Timing, content, and format for this rulemaking for all OCS areas will not be determined until completion of the rulemaking RIN 1010-AA61.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
NPRM Comment Period End	04/00/90	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service,

Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7818

RIN: 1010–AB14

1187. ● LIMITATION OF THE DIRECTOR'S AUTHORITY FOR DISCRETIONARY RELEASE OF POSTLEASE PROPRIETARY DATA AND INFORMATION

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 250.18

Legal Deadline: None

Abstract: Amendments to the regulations providing for the discretionary release of postlease proprietary data and information will be proposed. The amendments would limit the discretion of the MMS Director to release such data and information by defining more precisely the circumstances under which such releases may be authorized and to whom the data and information may be shown. The alternative to the proposed amendment is the case-by-case determination of whether to release such proprietary data and information based on the existing less specific discretionary authority of the Director. This alternative leaves some degree of uncertainty to the lessee concerning the circumstances under which releases will be authorized, and possible changes in policy.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 11965
NPRM Comment Period End	04/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Mirabella, Senior Regulatory Policy Analyst, Department of the Interior, Minerals Management Service, MS-646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7815

RIN: 1010–AB30

1188. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF (OCS), SUBPART O, TRAINING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.210

Legal Deadline: None

Abstract: The rules at 30 CFR Part 250 which govern oil and gas and sulphur operations in the OCS will be revised to address in greater specificity training requirements for personnel engaged in oil, gas, and sulphur drilling, development, and production operations in the OCS. Training requirements were addressed in a proposed rule to consolidate into one document the rules governing oil and gas and sulphur operations in the OCS which was published on March 18, 1986 (51 FR 9316). The training provisions of that proposed rule have been revised, updated, and consolidated under a new Subpart O, Training. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7816

RIN: 1010–AB21

1189. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF, SUBPART P, SULPHUR OPERATIONS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.250

Legal Deadline: None

Abstract: The rules at 30 CFR 250 which govern oil and gas and sulphur operations in the Outer Continental Shelf (OCS) will be revised to address sulphur exploration, development, and production operations with more specificity. Sulphur operations are currently addressed through rules applicable to oil, gas, and sulphur and through OCS Order No. 10, Sulphur Drilling Procedures, issued by the Gulf of Mexico OCS Region. Comments received as the result of the publication on March 18, 1986 (51 FR 9316), of a proposed rule to consolidate rules governing oil, gas, and sulphur operations in the OCS included recommendations for the development of regulations which treat sulphur operations in the OCS with greater specificity. Other alternatives considered were not revising the regulations. Promulgation of the regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7816

RIN: 1010–AB23

1190. ● AMENDMENT TO 30 CFR 250.4 AND 250.34(J) TO ADD GUIDELINES FOR THE ACCEPTANCE OF CONTRIBUTIONS FOR MISSION ACTIVITIES SUCH AS THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.4; 30 CFR 250.34(j)

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) proposes to amend 30 CFR 250.4 and 250.34(j) to implement the authority provided in the Fiscal Year 1987 Department of the Interior Appropriation Act to facilitate preparations of Environmental Impact Statements associated with the approval of certain Development and Production Plans. The alternative of prescribing specific procedures for use of such funds would not allow the flexibility to respond when the use of contractors and private contributions is the most sensible approach. There may be increased cost to some lessees; however, these costs represent a voluntary users fee comparable to the

DOI—MMS **Proposed Rule Stage**

users fee provided in the Independent Offices Appropriation Act of 1952, as amended. No increase in cost or prices would result for any other entity.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Agency Contact: Mario Rivero, Petroleum Engineer, Department of the Interior, Minerals Management Service, MS-646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7608**

RIN: 1010–AB33

1191. ● AMENDMENTS TO 30 CFR 250.52 TO ADD REQUIREMENTS INTENDED TO PREVENT OCCURRENCE OF ACCIDENTAL FIRES CAUSED BY FALLING SLAG FROM WELDING OR BURNING

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.52

Legal Deadline: None

Abstract: The Minerals Management Service proposes to amend 30 CFR 250.52 to add requirements designed to increase personnel safety and minimize property damage by avoiding or preventing the occurrence of accidental fires caused by hot slag from welding or burning activities falling into flammable material floating on the ocean surface beneath Outer Continental Shelf (OCS) facilities. The proposed amendment was prompted by the recommendations of an investigation of a January 6, 1984, accidental fire believed to have been caused by hot welding slag igniting a layer of hydrocarbons floating on the surface of the ocean water beneath an OCS facility. Three men died and nine were burned as a consequence of that fire. The alternative considered was to send lessees advisory notices alerting them of the potential danger of welding slag; however, the alternative was considered less effective because it lacked enforcement. The proposed amendment would not result in increases in cost to lessees or consumers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mario Rivero, Petroleum Engineer, Department of the Interior, Minerals Management Service, MS-646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 648-7608**

RIN: 1010–AB31

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Final Rule Stage

1192. REVISION OF ROYALTY VALUATION REGULATIONS GOVERNING GAS SALES UNDER PERCENTAGE-OF-PROCEEDS CONTRACTS

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 30 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1230). The proposed gas valuation provisions of section 206.153, in part, govern the determination of value in situations where the lessee's contract for the sale of gas prior to processing provides for the value to be determined based upon a percentage of the purchases proceeds resulting from processing the gas. However, the inclusion of these percentages-of-proceeds contracts under section 206.153 has created unreasonable burdens on lessees. Consequently, MMS is proposing to amend its regulations to provide for the valuation of gas under percentage-of-proceeds contracts to be under the unprocessed gas valuation standards of section 206.152, rather than section 206.153.

Timetable:

Action	Date	FR Cite
NPRM	12/15/88	53 FR 50422
NPRM Comment Period End	02/03/89	54 FR 1398
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, **303 231-3432**

RIN: 1010–AB17

1193. GEOTHERMAL RESOURCES USED TO GENERATE ELECTRICITY, PRODUCT VALUATION FOR ROYALTY PURPOSES

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: Existing regulations governing the valuation of geothermal resources provide insufficient guidance for the valuation of geothermal resources utilized to generate electricity in a lessee-owned power plant. Consequently, the Minerals Management Service has issued a report entitled "Valuation of Federal Geothermal Resources--Electrical Generation" which describes a

"geothermal netback procedure" to value these "no sales" resources. An amendment is needed to the existing regulations to provide regulatory guidance after receipt and consideration of comments from the public to the existing geothermal netback procedure.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 354
NPRM Comment Period End	03/06/89	
Final Action	07/00/89	
Final Action Effective	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB22

1194. OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF; SAFETY AND POLLUTION-PREVENTION EQUIPMENT

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.1; 30 CFR 250.126

Legal Deadline: None

Abstract: The rules at 30 CFR 250.126 on the manufacture of safety and pollution-prevention equipment (i.e., surface and subsurface safety valves) are being amended. The amendment would update the American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) SPPE-1 standard from the 1985 edition to the 1988 edition and allow compliance with either the updated version of the ANSI/ASME SPPE-1 quality assurance (QA) program (1988 edition) or the proposed American Petroleum Institute (API) QA program (API Spec Q1 in combination with API Specs 14A and 14b). Other alternatives considered were not to amend the rule and to continue using ANSI/ASME SPPE-1 as the only type of certification for the QA program. The costs to lessees under the API program or the updated ANSI/ASME SPPE-1 program are not expected to be significantly different than the costs under the current program. If there is any cost difference, it is expected to be a reduction in cost since the use of the API program is an option to the use of the ANSI/ASME SPPE-1 program. Lessees would not be expected to choose the use of the more expensive of the approved QA programs.

Timetable:

Action	Date	FR Cite
NPRM	07/05/88	53 FR 25349
NPRM Comment Period End	09/29/88	53 FR 30705
Final Action	04/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. L. Courtois, Chief, Offshore Inspection and Enforcement Division, Department of the Interior, Minerals Management Service, Mail Stop 647, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7750

RIN: 1010–AB19

1195. AIR QUALITY - OFFSHORE CALIFORNIA

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.47

Legal Deadline: None

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. The costs have been determined to have a net present value of approximately $25M to the regulated industry; the net benefits have not been quantified but would be a reduction in any effect of emissions from OCS operations on the ozone levels in adjacent onshore areas. This may be expected to yield cost reductions in health services and other related areas. The DOI has conducted a conflict assessment to determine the likelihood of the interested and affected parties being able to reach an agreement on an air quality regulatory program. If the affected parties involved can develop a mutually agreeable set of requirements, then DOI will initiate rulemaking based on that agreement.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	50 FR 838
ANPRM Comment Period End	03/08/85	
Begin conflict assessment phase of negotiated rulemaking process	04/15/86	
Determine potential for negotiated agreement	07/30/86	
Complete determination of effects of rules	05/18/88	
Reach agreement on a negotiated rule or begin development of rule through standard process	12/19/88	
NPRM	01/17/89	54 FR 1846
NPRM Comment Period End	02/16/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William S. Cook, Petroleum Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 648-7818

RIN: 1010–AA61

1196. NONDISCRIMINATION IN EMPLOYMENT IN THE OUTER CONTINENTAL SHELF

Legal Authority: 43 USC 1863; 43 USC 1331 et seq; 42 USC 2000d to 2000e

CFR Citation: 30 CFR 271

Legal Deadline: None

Abstract: There are no provisions in current Minerals Management Service regulations which provide a mechanism for remedy of unlawful discrimination in Outer Continental Shelf (OCS) employment. Rules would be developed to provide a process whereby persons who believed they had been denied employment because of unlawful discrimination would have a forum. These rules would implement the purposes of section 604 of the OCS Lands Act Amendment of 1978. Alternatives considered are no action,

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issuance of a policy statement and no rules, and proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, costs are expected to be minimal. Benefits would be the assurance that the requirements of section 604 are being fully carried out.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17770
NPRM Comment Period End	06/11/87	
Final Action	04/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7817

RIN: 1010–AA87

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Completed Actions

1197. VALUATION OF COAL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Significance: Regulatory Program

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 202; 30 CFR 203; 30 CFR 206; 30 CFR 210; 30 CFR 212; 43 CFR 3480

Legal Deadline: None

Abstract: This regulation will provide consistent valuation procedures for coal for the purpose of royalty computations. It is being prepared in response to a Linowes Commission recommendation for a detailed definitive product valuation regulation which contains clear terms and procedures.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/86	51 FR 4507
ANPRM Comment Period End	04/07/86	
NPRM	01/15/87	52 FR 1840
NPRM Comment Period End	04/15/87	
Reopen Public Comment Period	07/09/87	52 FR 25887
Reopened Public Comment Period End	07/23/87	
Reopened Public Comment Period	08/12/87	52 FR 29868
Notice of Intent to Issue NPRM	11/17/87	52 FR 43919
Further NPRM	07/15/88	53 FR 26942
Further NPRM Public Comment Period End	09/13/88	
Final Action	01/13/89	54 FR 1492
Final Action Effective	03/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AA83

1198. PROCESSING AND TRANSPORTATION ALLOWANCES, RETURN ON CAPITAL INVESTMENT

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published new oil and gas product valuation regulations in the Federal Register on January 15, 1988 (53 FR 1184 and 53 FR 1230). If a lessee has a non-arm's-length contract or has no contract for processing or transportation of oil or gas, the new regulations provide for an allowable deduction from royalty payments based upon the lessee's reasonable actual costs during the reporting period. These actual cost deductions allow the lessee to deduct operating and maintenance expenses, overhead, and at the lessee's option, either depreciation plus a return on undepreciated capital investment in the processing plant or transportation system, or a fixed cost equal to the initial depreciable investment multiplied by a rate of return. An amendment is needed to the regulations to establish the method to be used to determine the cost of capital, i.e., rate of return, to be applied to the lessee's investment in a processing plant or transportation system.

Timetable:

Action	Date	FR Cite
Withdrawn - no rulemaking action required at this time	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB12

1199. AMENDMENT OF REGULATIONS, OIL AND GAS TRANSPORTATION ALLOWANCES AND GAS PROCESSING ALLOWANCES

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of oil and gas from Federal leases onshore and on the Outer Continental Shelf and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1184 and 53 FR 1230). A subsequent review of the regulations disclosed that the wording of the provisions concerning the calculation of oil and gas transportation allowances and gas processing allowances was inconsistent with MMS's intent. An amendment is needed to the provisions to clarify MMS's intent.

Timetable:

Action	Date	FR Cite
Withdrawn - no rulemaking action required at this time	11/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB18

1200. AMENDMENT OF OIL AND GAS ROYALTY VALUATION REGULATIONS

Legal Authority: 25 USC 396 et seq; 25 USC 396a et seq; 25 USC 2101 et seq; 30 USC 181 et seq; 30 USC 351 et seq; 30 USC 1001 et seq; 30 USC 1701 et seq; 31 USC 9701; 43 USC 1301 et seq; 43 USC 1331 et seq; 43 USC 1801 et seq

CFR Citation: 30 CFR 206

Legal Deadline: None

Abstract: The Minerals Management Service (MMS) published final revised regulations governing the valuation of oil and gas from Federal leases onshore and on the Outer Continental Shelf, and from Indian Tribal and allotted leases in the Federal Register on January 15, 1988 (53 FR 1184 and 53 FR 1230). A subsequent review of the regulations disclosed that the wording of several provisions was inconsistent with MMS's intent as discussed in the preamble to the final rules. An amendment is needed to the provisions to clarify MMS's intent.

Timetable:

Action	Date	FR Cite
Final Action	11/14/88	53 FR 45760
Final Action Effective	11/14/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dennis C. Whitcomb, Chief, Rules and Procedures, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 662, Bldg. 85, Denver, CO 80225, 303 231-3432

RIN: 1010–AB24

1201. SUPPLEMENTAL SALES

Legal Authority: 43 USC 1331 et seq

CFR Citation: 30 CFR 256.12; 30 CFR 256.26

Legal Deadline: None

Abstract: The rules at 30 CFR Part 256 will be revised to provide for supplemental sales and to establish limits on those supplemental sales. This rule is intended to allow the offering of rejected bid blocks, drainage blocks, and development blocks. The alternative is to operate under the current regulation and delay the leasing of certain blocks which may be critical to the development of an area or may be susceptible to loss of hydrocarbons.

Timetable:

Action	Date	FR Cite
NPRM	03/26/87	52 FR 9672
NPRM Comment Period End	04/27/87	
Comment Period Reopened	08/06/87	52 FR 29222
Final Action	08/09/88	53 FR 29884
Final Action Effective	09/08/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7820

RIN: 1010–AB05

1202. LEASING OF MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 281

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/85	50 FR 15590
ANPRM Comment Period End	08/19/85	
NPRM	08/18/88	53 FR 31424
NPRM Comment Period End	10/03/88	
Final Action	01/18/89	54 FR 2042
Final Action Effective	02/17/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7816

RIN: 1010–AA82

1203. MINING OPERATIONS FOR MINERALS OTHER THAN OIL, GAS, AND SULPHUR IN THE OUTER CONTINENTAL SHELF

Significance: Regulatory Program

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 282

Legal Deadline: None

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly

more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/86	51 FR 12163
ANPRM Comment Period End	08/07/86	
NPRM	08/18/88	53 FR 31442
NPRM Comment Period End	10/03/88	
Final Action	01/18/89	54 FR 2058
Final Action Effective	02/17/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald D. Rhodes, Chief, Rules, Orders, and Standards Branch, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 648-7816

RIN: 1010–AA81

1204. APPEALS PROCEDURES

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 290

Legal Deadline: None

Abstract: Appeals are required to be filed within 30 days of the issuance of an order or decision by a Minerals Management Service official. The rule will create a "grace period" for determining whether notices of appeals have been filed in a timely manner. Appeals will be considered timely if they are received within 10 days after the end of the initial 30 days and there is evidence of transmittal within the initial 30 days (e.g., a postmark).

Timetable:

Action	Date	FR Cite
Withdrawn No rulemaking action required at this time.	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jane A. Roberts, Paralegal Specialist, Department of the Interior, Minerals Management Service, 1951 Kidwell Drive, MS 623, Vienna, VA 22180, 703 285-2990

RIN: 1010–AB20

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DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSMRE)

Proposed Rule Stage

1205. SURFACE COAL MINING AND RECLAMATION OPERATIONS; TWO ACRE EXEMPTION REPEAL

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11; 30 CFR 870.11

Legal Deadline: None

Abstract: Section 528(2) of the Surface Mining Control and Reclamation Act of 1977, exempted from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." On May 7, 1987, the President signed PL 100-34 which repealed the exemption. The rule action would remove the exemption provision from the regulations at 30 CFR 700 and 30 CFR 870.

Timetable:

Action	Date	FR Cite
Notice of Suspension: Two-Acre Exemption Repeal	06/04/87	52 FR 21228
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5351

RIN: 1029–AB16

1206. INTERIM PROGRAM REVISIONS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 710; 30 CFR 715; 30 CFR 716; 30 CFR 717; 30 CFR 718; 30 CFR 720; 30 CFR 721; 30 CFR 722

Legal Deadline: None

Abstract: The rule would amend those portions of the OSMRE interim regulatory program regulations which are different from the permanent regulatory program. OSMRE is undertaking this action to provide equity and regulatory consistency between the programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AB24

1207. FEDERAL LANDS PROGRAM

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq; PL 100-34

CFR Citation: 30 CFR 740

Legal Deadline: None

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans," the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4560

RIN: 1029–AA76

1208. DEFINITION AND CRITERIA FOR VALID EXISTING RIGHTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761.5; 30 CFR 761.11(h)

Legal Deadline: None

Abstract: OSM is repromulgating certain portions of its regulations which define "valid existing rights" and prohibit surface coal mining on lands within units of the National Park System, National Wildlife Refuge System and certain other areas designated by Congress. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSM's permanent program regulations.

Timetable:

Action	Date	FR Cite
Notice of EIS and RIA Scoping Meeting, Request for Comments	01/22/87	52 FR 2421
Scoping Hearings for NEPA and RIA	02/06/87	
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Annetta Cheek, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-2073

RIN: 1029–AA77

1209. PERMANENT REGULATORY PROGRAM DEFINITIONS; AREAS UNSUITABLE FOR MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761

Legal Deadline: None

Abstract: The proposed rule would clarify the applicability of the prohibitions in section 522(e) of the Surface Mining Control and Reclamation Act to the surface impacts of underground mining. The issue of the relationship between section 522(e) and mining related subsidence will be addressed in the proposed rulemaking. The rulemaking will seek to clarify whether OSM's rules have the effect of prohibiting underground mining operations related to the features and facilities within the distance limitations enumerated in section 522(e) of the Act. The proposed rulemaking will address the issue of what is a "Surface Impact" incident to an underground mine.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/85	50 FR 13250
ANPRM Comment Period End	08/27/85	50 FR 13250
Notice of EIS and RIA Scoping Meeting and Request for Comments	01/22/87	52 FR 2421
EIS and RIA Scoping Meeting	02/06/87	
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: The Office of Surface Mining has determined that the proposed rulemaking constitutes a major Federal action requiring an EIS to meet the requirements of the National Environmental Policy Act. OSM has also made the determination that the proposed rule may be significant within the meaning of EO 12291. Precise cost/price impacts cannot be determined prior to further development of the regulation, but such costs are anticipated to be significant in terms of EO 12291 and the Regulatory Flexibility Act. Therefore, a Preliminary Regulatory Impact Analysis and Small Entity Flexibility Analysis are being prepared.

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1928

RIN: 1029–AA80

1210. REPROCESSING COAL WASTE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 786, (New); 30 CFR 829, (New); 30 CFR 701; 30 CFR 785

Legal Deadline: None

Abstract: The rule would revise existing permitting and performance standards to take into consideration the unique circumstances and requirements for reprocessing coal waste. The rule would identify the minimum requirements for this type of activity. The action is being undertaken in response to findings and planned actions identified during OSMRE's study of remining initiatives.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Ray Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 342-1514

RIN: 1029–AB23

1211. ASSESSMENT CONFERENCE SCHEDULING

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 843; 30 CFR 845

Legal Deadline: None

Abstract: The rule would eliminate some procedural inconsistencies remaining from previous 30 CFR 843 and 845 rulemakings. In particular, the rules would allow for a more efficient and practical time frame for scheduling assessment conferences. OSMRE is undertaking this action in response to suggestions from the Interior Department's Office of the Solicitor and from OSMRE personnel involved in administering the existing 30 CFR Parts 843 and 845 requirements.

DOI—OSMRE

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Hugo Fleischman, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5864

RIN: 1029–AB22

DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSMRE)

Final Rule Stage

1212. PERMIT TO RECLAIM RULE

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701; 30 CFR 740; 30 CFR 750; 30 CFR 773; 30 CFR 843

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to amend its rules to provide for specific situations where a coal mine operator may be required to obtain a permit to conduct reclamation activities on a location where no coal extraction is taking place. The proposed rule would remove requirements to obtain or renew a permit when only reclamation activities must be performed.

Timetable:

Action	Date	FR Cite
NPRM	09/19/88	53 FR 36404
NPRM Comment Period End	11/03/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dr. Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4533

RIN: 1029–AB26

1213. PERMANENT REGULATORY PROGRAM REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Legal Deadline: None

Abstract: This proposed rule would respond to a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities was not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVFs.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29310
NPRM Comment Period End	09/19/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1507

RIN: 1029–AA54

1214. EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 702

Legal Deadline: None

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been identified. Proposed regulations would establish procedures to administer the exemption. The costs of compliance for these operations are undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	08/01/87	52 FR 20546
NPRM Comment Period End	08/10/87	52 FR 20546
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: James Fary, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5384

RIN: 1029–AA53

1215. REQUIREMENTS FOR COAL EXPLORATION--PERMIT REQUIREMENTS FOR EXPLORATION REMOVING MORE THAN 250 TONS OF COAL

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 772.11; 30 CFR 772.12; 30 CFR 772.14; 30 CFR 815.2; 30 CFR 942.772

Legal Deadline: None

Abstract: The proposed rule would comply with a court order of the District Court for the District of Columbia which remanded OSM reporting requirements for surface coal exploration. The proposed rule would revise existing requirements to include the filing of a notice by all individuals or operators planning coal exploration, and specify the information required on applications for coal exploration. The

obligation to report is a standing requirement of existing regulations. This rule would expand the requirement to report. Because affected States already have the expanded requirement in place, no additional costs or benefits are expected to be associated with the rule.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23532
NPRM Comment Period End	08/08/88	53 FR 23532
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4553

RIN: 1029–AA92

1216. FEDERAL REGULATORY PROGRAMS; PERMIT APPLICATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 736; 30 CFR 740; 30 CFR 750

Legal Deadline: None

Abstract: The proposed rule would govern the collection by OSMRE of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for processing mining plans and for midterm review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSMRE for costs incurred in providing the services.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17568
NPRM Comment Period End	07/18/88	53 FR 17568
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Arthur Abbs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5351

RIN: 1029–AB15

1217. SURFACE COAL MINING AND RECLAMATION OPERATIONS ON INDIAN LANDS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 750

Legal Deadline: None

Abstract: The proposed rule would implement court approved settlements involving OSMRE, the State of New Mexico, and the National Coal Association/American Mining Congress Joint Committee in regard to final Indian lands regulations. The rule would delete the reference to the American Indian Religious Freedom Act and revise the requirements addressing inclusion of surface coal mining and reclamation provisions in Indian leases.

Timetable:

Action	Date	FR Cite
NPRM	02/10/88	53 FR 3992
NPRM Comment Period End	04/20/88	53 FR 3992
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4540

RIN: 1029–AB04

1218. LANDS UNSUITABLE REGULATIONS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 761.5

Legal Deadline: None

Abstract: OSMRE is repromulgating certain portions of its regulations under Subchapter F which contain criteria for and describe the petition process for designating lands unsuitable for surface coal mining operations. OSM is repromulgating these regulations as a result of a District Court decision in Round III of the present litigation on OSMRE's permanent program regulations.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Jerry Schwartz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5144

RIN: 1029–AA90

1219. REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 773 (Revision); 30 CFR 843

Legal Deadline: None

Abstract: The existing rules pertaining to the requirements for permit and permit processing, permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite
NPRM	07/16/86	51 FR 25822
NPRM Comment Period End	10/24/86	51 FR 33905
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and

Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AA66

1220. PERMANENT REGULATORY PROGRAM - OWNERSHIP INFORMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 778

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement is proposing to revise 30 CFR 778 which specifies what information must be furnished in a surface coal mining permit application. The permit application requirements are being revised in order to conform them to proposed revisions in 30 CFR 773 which govern the issuance of surface coal mining permits. The proposed revisions to 30 CFR 778 will require the submission of more detailed information on the ownership and control of permit applicants. It is not anticipated that the revision will impose a substantial financial burden on those applying for permits.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 20032
NPRM Comment Period End	08/06/87	52 FR 20032
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Senior Regulatory Analyst, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AA96

1221. APPROXIMATE ORIGINAL CONTOUR VARIANCES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 785; 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to amend its rules to allow issuance of a permit for nonmountaintop removal, steep slope, surface coal mining and reclamation operations which includes a variance from the requirements to restore the disturbed areas to their approximate original contour.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Suzanne Hudak, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4540

RIN: 1029–AB27

1222. PERMANENT PROGRAM PERFORMANCE STANDARDS; DISPOSAL OF COAL MINE WASTE

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816; 30 CFR 817

Legal Deadline: None

Abstract: The rule will reexamine performance standards and design criteria for coal waste disposal. The action is in response to a District Court for the District of Columbia remand order which cited procedural defects in an earlier rulemaking (47 FR 44006, September 26, 1983) involving inadequate notice and comment and an inadequate administrative record.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	53 FR 43970
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Dr. C. Y. Chen, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1501

RIN: 1029–AB09

1223. PERMANENT PROGRAM PERFORMANCE STANDARDS; SURFACE MINING ACTIVITIES; CONTEMPORANEOUS RECLAMATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.100; 30 CFR 816.101; 30 CFR 816.104; 30 CFR 816.105

Legal Deadline: None

Abstract: The rule is being proposed in response to a remand by the Court to provide additional guidance to the regulatory authorities. The proposed rule should ensure that all reclamation efforts proceed as contemporaneously as practicable with surface coal mining operations in accordance with Section 515(b)(16) of the Surface Mining Control and Reclamation Act of 1977.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029–AB02

1224. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.104; 30 CFR 816.105; 30 CFR 816.101

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional

guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1502

RIN: 1029–AA57

1225. DISPOSAL OF EXCESS SPOIL ON PREEXISTING BENCHES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.74; 30 CFR 817.74

Legal Deadline: None

Abstract: The regulations at 30 CFR 816.74/817.74 allow, with the approval of the regulatory authority, the disposal of excess spoil through placement on preexisting benches provided that the standards set forth in sections 816.71/817.71 are met. These standards contain the general requirements for the disposal of excess spoil. Based on the draft study entitled "Encouraging Abandoned Mine Land Reclamation via Remining: A Federal, State and Industry Initiative" and comments received, OSMRE has reviewed these regulations. Based on this review, OSMRE has concluded that excess spoil, when placed on the benches is similar to backfilling and grading of a highwall and bench and therefore could be regulated under the backfilling and grading regulations in sections 816.102/817.102, in lieu of the "excess spoil" standards while maintaining the same environmental and safety standards. The proposed rule would apply the backfilling and grading requirements to disposal of excess spoil on preexisting benches.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43970
NPRM Comment Period End	12/30/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1514

RIN: 1029–AB18

1226. ● PERMANENT PROGRAM PERFORMANCE STANDARDS; HIGHWALL POLICY

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 845.15; 30 CFR 846.12

Legal Deadline: None

Abstract: The proposed regulation is in accordance with a court approved settlement agreement and would provide a method of calculating civil penalties when compliance with section 816.102(a) cannot be accomplished using best technology currently available or where compliance would result in significant harm to the environment and the operation does not qualify for an exemption to total highwall elimination in accordance with 30 CFR 816.102(k).

Timetable:

Action	Date	FR Cite
NPRM	10/29/87	52 FR 41666
NPRM Comment Period End	01/07/88	52 FR 41666
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Raymond Aufmuth, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Washington, DC 20240, 202 343-7952

RIN: 1029–AB10

DEPARTMENT OF THE INTERIOR (DOI)
Office of Surface Mining Reclamation and Enforcement (OSMRE)

Completed Actions

1227. TERMINATION OF JURISDICTION UNDER SMCRA

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 700.11

Legal Deadline: None

Abstract: The Surface Mining Control and Reclamation Act (the Act) doesn't specifically define the point at which regulatory jurisdiction ends. Therefore, a regulation is needed to define that point. The regulation in question is specific to the responsibilities of the Department of the Interior, OSMRE, and implements the Act. No other Federal agency is authorized to undertake this action on behalf of the Department. OSMRE has never addressed this issue in a rulemaking. The regulatory authority will issue a written determination ending regulatory jurisdiction under the Act when the following conditions apply. For permanent program operations, it proposed to terminate regulatory jurisdiction under the Act at the time of final bond release or when all regulatory program requirements have been met. For initial program operations, regulatory jurisdiction will end when all requirements of the regulatory program have been met.

Timetable:

Action	Date	FR Cite
NPRM	06/26/87	52 FR 24092
NPRM Comment Period End	09/04/87	52 FR 24092
Final Action	11/02/88	53 FR 44356
Final Action Effective	12/02/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Daniel Stocker, Department of the Interior, Office of

Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1314

RIN: 1029–AB07

1228. PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES ROADS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151; 30 CFR 780.37; 30 CFR 780.38; 30 CFR 784.24; 30 CFR 784.30; 30 CFR 815.15

Legal Deadline: None

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	52 FR 42259
NPRM Comment Period End	01/12/88	52 FR 42259
Final Action	11/08/88	53 FR 45190
Final Action Effective	12/08/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4933

RIN: 1029–AA60

1229. PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 701.5

Legal Deadline: None

Abstract: The Office of Surface Mining Reclamation and Enforcement (OSMRE) proposes to remove the definition of "support facilities" from its regulations. In reviewing the decisions of regulatory authorities during the time periods when no definition was in effect (prior to the 1983 introduction of a definition and since the 1985 suspension of the definition), OSMRE found that the identification of facilities that support surface coal mining operations has been conducted in a manner consistent with the intent of the Surface Mining Control and Reclamation Act (SMCRA). Therefore, OSMRE has determined that a definition of "support facilities" is not needed in order to ensure that such facilities are regulated under SMCRA. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23522
NPRM Comment Period End	08/08/88	53 FR 23522
Final Action	11/22/88	53 FR 47378
Final Action Effective	12/22/88	53 FR 47378

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Stephen Sheffield, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5950

RIN: 1029–AA94

1230. SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM-OWNERSHIP AND CONTROL

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 773

Legal Deadline: None

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/05/85	50 FR 13724
NPRM Comment Period End	11/04/87	52 FR 37164
Final Action	10/03/88	53 FR 38868
Final Action Effective	11/02/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Andrew F. DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5241

RIN: 1029–AA56

1231. PERMANENT REGULATORY PROGRAM; REQUIREMENTS FOR PERMITS, INFORMATION ON HYDROLOGIC IMPACTS

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 780.21(f); 30 CFR 784.14(e)

Legal Deadline: None

Abstract: The rule sets a life of permit as the parameter for the determination of the probable hydrologic consequences (PHC) of the proposed operation upon the quality and quantity of surface and groundwater under seasonal flow conditions for the proposed permit and adjacent areas. The rule repromulgates the suspended 1983 rules with an expanded preamble and record to support the rule language. This was requested by the Court as a result of litigation. The rule will result in lower costs to industry and a reduction in their information collection requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32764
NPRM Comment Period End	11/06/87	52 FR 32764
Final Action	09/19/88	53 FR 36394
Final Action Effective	10/19/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Doug Growitz, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1507

RIN: 1029–AB11

1232. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES - IMPOUNDMENTS

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 780.25; 30 CFR 784.16; 30 CFR 816.49; 30 CFR 816.84; 30 CFR 817.46; 30 CFR 817.49; 30 CFR 817.84

Legal Deadline: None

Abstract: The regulation will address the issue addressed in a district court challenge to OSM regulations. The rule will address the problem of combination spillways and will specify a spillway configuration that must be installed to safely pass the designed precipitation event. In some cases, the rule may allow one spillway to serve as a combination principal and emergency spillway. The proposed action may reduce costs in those cases where one spillway will safely pass the design precipitation event with no corresponding decrease in environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	10/21/87	52 FR 39364
NPRM Comment Period End	12/30/87	52 FR 39364
Final Action	10/27/88	53 FR 43584
Final Action Effective	11/28/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Robert Wiles, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-1502

RIN: 1029–AA79

1233. SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Significance: Regulatory Program

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 785.17; 30 CFR 823.11; 30 CFR 823.12; 30 CFR 823.14

Legal Deadline: None

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by court order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	03/25/87	52 FR 9644
NPRM Comment Period End	06/03/87	52 FR 9644
Final Action	10/18/88	53 FR 40828
Final Action Effective	11/17/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dermot Winters, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1928

RIN: 1029–AA64

1234. SURFACE COAL MINING OPERATIONS; DEFINITION OF "IN CONNECTION WITH"

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 785.21; 30 CFR 827.1

Legal Deadline: None

Abstract: The proposed rule would amend the regulations to clarify the circumstances under which coal preparation plants located outside of the permit area of a mine are subject to the performance standards and permitting requirements of the Surface Mining Control and Reclamation Act (SMCRA).

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23526
NPRM Comment Period End	08/08/88	53 FR 23526
Final Action	11/22/88	53 FR 47384
Final Action Effective	12/22/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Stephen Sheffield, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5950

RIN: 1029–AB08

1235. PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES, UNDERGROUND MINING ACTIVITIES – REVEGETATION

Significance: Agency Priority

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 816.116; 30 CFR 817.116

Legal Deadline: None

Abstract: This rule is being proposed in response to an order of the U.S. District Court remanding several aspects of OSM regulations concerning revegetation which has inadequate support in the administrative record. OSM will propose rules concerning replanting of trees as a normal husbandry practice, the period for revegetation success, and rills and gullies control as a normal conservation practice. Costs and benefits of this action have not been determined since the final scope of the rule is not certain. This analysis will be based in large part on public comments received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28012
NPRM Comment Period End	02/01/88	52 FR 37334
Final Action	09/07/88	53 FR 34636
Final Action Effective	10/07/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Patrick Boyd, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4561

RIN: 1029–AA86

1236. IMPROVIDENTLY ISSUED PERMITS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 845

Legal Deadline: None

Abstract: This rule will clarify that OSMRE will not require the assessment of civil penalties for notices of violation or cessation orders issued to a permittee who has secured an improvidently issued permit from a State regulatory authority. OSMRE distinguishes this type of violation from an environmental violation, which would be treated differently. However, present rules do not address this type of violation, necessitating this rulemaking.

Timetable:

Action	Date	FR Cite
Withdrawn	11/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Andrew DeVito, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5954

RIN: 1029–AB20

1237. DELINQUENT ABANDONED MINE LAND RECLAMATION FEES

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 35 CFR 843; 35 CFR 845

Legal Deadline: None

Abstract: The rule will clarify that when OSMRE issues a notice of violation or cessation order for delinquent AML fees, that determination of civil penalties is not to be treated as an environmental violation, but must follow a discrete procedure. Present rules do not address this circumstance, necessitating this rulemaking.

Timetable:

Action	Date	FR Cite
Withdrawn	12/00/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Daniel Lytton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 653-2871

RIN: 1029–AB21

1238. ABANDONED MINE LAND RECLAMATION; STATE RECLAMATION GRANTS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 886

Legal Deadline: None

Abstract: Cases have been identified where coal mine operators have also contracted with a State to conduct reclamation of abandoned mine land. This reclamation is conducted under the Abandoned Mine Land (AML) Reclamation Program and is funded by fees paid by coal operators on productions. Under the proposed rule, a reclamation contract could not be let to an operator with certain outstanding violations of the Surface Mining Control and Reclamation Act. The violations would include outstanding cessation orders and unpaid civil penalties and abandoned mine reclamation fees. The rule action is being initiated to prevent operators in violation of SMCRA from benefiting from the Act by receiving contracts funded under the AML program.

Timetable:

Action	Date	FR Cite
Withdrawn	12/00/88	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Danny Lytton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-2866

RIN: 1029–AB13

1239. TENNESSEE PROGRAM AMENDMENT; SIGNIFICANT PERMIT REVISIONS

Legal Authority: 30 USC 1201 et seq; PL 100-34

CFR Citation: 30 CFR 942.774

Legal Deadline: None

Abstract: The rule applies to the Federal program for Tennessee and would establish guidelines for determining whether a proposed revision to an existing coal mining permit is significant. Significant permit revisions are subject to public comment and hearing requirements. The rule would assist OSMRE in making consistent determinations concerning the significance of permit revisions in Tennessee. The rule is being proposed in response to a decision on a petition for rulemaking, submitted to the Director, OSMRE.

Timetable:

Action	Date	FR Cite
Notice of Decision on Petition for Rulemaking	03/05/87	52 FR 6827
NPRM	07/13/88	53 FR 26566
Final Action	12/05/88	53 FR 49104
Final Action Effective	01/04/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Fred Block, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, 202 343-4560

RIN: 1029–AB17

BILLING CODE 4310-05-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Proposed Rule Stage

1240. ● RECLAMATION STATES DROUGHT ASSISTANCE ACT OF 1988

Legal Authority: PL 100-387

CFR Citation: 43 CFR 423

Legal Deadline: None

Abstract: The Bureau of Reclamation is proposing a revision to 43 CFR Part 423 to provide emergency drought assistance to qualified applicants for loans to purchase and transport emergency water supplies and support management and conservation activities. Actions implemented under these regulations will be to mitigate losses, or expected losses, and damage resulting from the drought conditions of 1987, 1988, and 1989.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	
Final Action	06/15/89	
Final Action Effective	07/15/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: Tom Phillips, Coordinator, Project Operations Services, Department of the Interior, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver, CO 80225-0007, **303 236-1058**

RIN: 1006–AA19

1241. PROCEDURE TO PROCESS AND RECOVER THE VALUE OF RIGHTS-OF-USE AND ADMINISTRATIVE COSTS INCURRED IN PERMITTING SUCH USE

Legal Authority: 43 USC 387; 31 USC 483(a)

CFR Citation: 43 CFR 429.3(a), (Revision); 43 CFR 429.3(d), (New); 43 CFR 429.6(c), (Revision)

Legal Deadline: None

Abstract: These changes to 43 CFR 429 will provide greater flexibility in determining the value of low value uses by third parties of lands administered by the Bureau of Reclamation. Currently an appraisal is required to provide the use value. A periodic review of the value of the use will also be provided. And finally, the authority of Reclamation's regional directors to modify or waive the values to be recovered is further clarified.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: Multiple

Agency Contact: Edwin W. Cramer, Department of the Interior, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver, CO 80225-0007, **303 236-8078**

RIN: 1006–AA18

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Reclamation (RB)

Completed Actions

1242. ACREAGE LIMITATION RULES AND REGULATIONS

Legal Authority: 5 USC 552; 43 USC 371; 43 USC 390

CFR Citation: 43 CFR 426

Legal Deadline: None

Abstract: This rule has been revised to incorporate amendments to the Reclamation Reform Act included in PL 100-203 (Omnibus Budget Reconciliation Act of 1987).

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21857
NPRM Comment Period End	07/11/88	
Final Action Acreage Limitation Final Rules and Regulations	12/16/88	53 FR 50530
Final Action Effective	01/17/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Sectors Affected: All

Agency Contact: Alonzo Knapp, Chief, Lands Branch, Department of the Interior, Bureau of Reclamation, Denver Office, P.O. Box 25007, Denver, CO 80225-0007, **303 236-8503**

RIN: 1006–AA17

BILLING CODE 4310-09-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Prerule Stage

1243. ● SPECIAL LAWS AND RULES; RESTATEMENT OF PROCEDURES FOR THE SEGREGATION AND OPENING OF PUBLIC LANDS; AMENDMENT

Legal Authority: 43 USC 1202; 43 USC 851 to 852; 43 USC 869 et seq; 43 USC 641 et seq; 43 USC 321 to 323; 43 USC 231; 25 USC 334; 26 Stat 794; 25 USC 336; 16 USC 485; 72 Stat 339 to 340; 43 USC 852 note; 16 USC 818; 43 USC 315f; 43 USC 1601 et seq; ...

CFR Citation: 43 CFR 2090; 43 CFR 2091

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify procedural aspects of specific actions covering the segregation of public lands as well as procedures under which those lands are opened to the public land and mineral laws.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LEGAL AUTHORITY CONT:

43 USC 321

43 USC 325

43 USC 327 to 329

Agency Contact: Dwight Hempel, Realty Specialist, Department of the Interior, Bureau of Land Management, 18th & C St., NW., Washington, DC 20240, 202 343-6486

RIN: 1004–AB54

1244. ● CLASSIFICATIONS

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2420

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide guidance for classification terminations or modifications.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Paugh, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB57

1245. ● LEASES, PERMITS AND EASEMENTS

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2920

Legal Deadline: None

Abstract: This rule will amend the existing regulations to provide for improved administration of Leases, Permits and Easements under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AB51

1246. ● PUBLIC AVAILABILITY OF MINERALS RESOURCES INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 3000

Legal Deadline: None

Abstract: This rule will remove conflicts between existing mineral regulations relating to public availability of mineral resources information and the Freedom of Information Act. The rule will also remove discrepancies among the various mineral regulations regarding public release of information.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/89	
ANPRM Comment Period End	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothy Chambers, Management Analyst, Department of the Interior, Bureau of Land Management, Washington, DC 20240, 202 653-8853

RIN: 1004–AB55

1247. ● MINING IN MILITARY WITHDRAWALS

Legal Authority: 100 Stat 3457, sec. 12; 30 USC 22; 43 USC 1701 et seq

CFR Citation: 43 CFR 3828; 43 CFR 3811

Legal Deadline: None

Abstract: This proposed rule establishes guidelines for mining in certain military installations under the Mining Law of 1872, as amended, and for assuring the safe, uninterrupted, and unimpeded use of the lands for military purposes. The Military Lands Withdrawal Act of 1986 specifically provided for certain military lands previously withdrawn from mining to be considered for opening to the operation of the Mining Law of 1872, as amended, with certain special restrictions. Military Lands identified as suitable for mining through the Bureau of Land Management's planning system will be opened on the effective date of an opening order that will be published in the Federal Register.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Reginald E. Reid, Geologist, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB52

1248. ● CONTRACT EXTENSION

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5473; 43 CFR 5474

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning extension of time for cutting and removal on timber sale contracts. Shorter contract terms and increased seasonal restrictions on operations have caused a problem with the reappraisal requirement for contract extensions. This regulation would allow contract extensions without reappraisal under certain conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/89	
ANPRM Comment Period End	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1725 I St.,

DOI—BLM Prerule Stage

NW (Premier Bldg.), Washington, DC 20006, 202 653-8864

RIN: 1004–AB56

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Proposed Rule Stage

1249. MINERALS (NONMINERAL ENTRIES ON MINERAL LANDS)

Legal Authority: 30 USC 186; 30 USC 124

CFR Citation: 43 CFR Subpart 2093

Legal Deadline: None

Abstract: The amendments made by this rulemaking would eliminate portions of the existing regulations that refer to repealed authorities and make minor changes that reflect the merger of functions between the Bureau of Land Management and the Minerals Management Service.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB20

1250. EXCHANGES - GENERAL PROCEDURES

Legal Authority: 43 USC 1715; 43 USC 1716; 43 USC 1732

CFR Citation: 43 CFR 2200

Legal Deadline: Final, Statutory, August 20, 1989.

Abstract: This rule will amend the existing regulations to provide procedures to facilitate and expedite the processing of land exchanges.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	07/00/89	
Final Action Effective	08/20/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Herb Olson, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB28

1251. INDIAN ALLOTMENTS

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Rowe, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB10

1252. ● VILLAGE SELECTIONS

Legal Authority: 43 USC 1613

CFR Citation: 43 CFR 2651

Legal Deadline: None

Abstract: This rule would amend the existing regulations to allow underselected Alaska Native Village Corporations to select lands identified and made available by the Secretary enabling them to fulfill their statutory entitlement under the Alaska Native Claims Settlement Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Olivia Short, Department of the Interior, Bureau of Land Management, 18th & C St., NW, Washington, DC 20240, 202 343-6511

RIN: 1004–AB58

1253. RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5141

RIN: 1004–AB00

1254. RIGHTS-OF-WAY, TRESPASS, AND LAW ENFORCEMENT - CRIMINAL

Legal Authority: 16 USC 433; 16 USC 4601-6a; 16 USC 670j; 16 USC 1246(i); 16 USC 1338; 18 USC 1851 to 1861; 43 USC 315(a); 43 USC 1061; 43 USC 1181a; 43 USC 1732; 43 USC 1733; 43 USC 1740; 43 USC 1761 to 1771; 43 USC 1063; 43 USC 1181b

CFR Citation: 43 CFR 2800; 43 CFR 2810; 43 CFR 2880; 43 CFR 9230; 43 CFR 9260

Legal Deadline: None

Abstract: This rule will amend the existing regulations to address administrative costs associated with trespass resolution and to establish

penalties for willful right-of-way trespass.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Oscar Anderson, Natural Resource Specialist, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AB46

1255. RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Legal Deadline: None

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Theodore Bingham, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AA98

1256. ● EXPLORATION ACTIVITY; OIL AND GAS LEASING; GEOTHERMAL RESOURCE LEASING-GENERAL

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3200

Legal Deadline: None

Abstract: The rulemaking will issue corrections and conditions to published final rules of May 16, 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judy Reed, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, 202 653-2196

RIN: 1004–AA97

1257. ● EXPLORATION ACTIVITY; OIL AND GAS LEASING; COMPETITIVE LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 16 USC 3101 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3100; 43 CFR 3120

Legal Deadline: None

Abstract: The rulemaking will issue corrections and conditions to published final rules June 17, 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/29/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judy Reed, Mineral Leasing Specialist, Department of the Interior, Bureau of Land Management, 1725 I St., NW (Premier Bldg.), Washington, DC 20006, 202 653-2196

RIN: 1004–AB41

1258. ONSHORE OIL AND GAS ORDER NO. 6 - WELL WORKOVERS, COMPLETIONS, ABANDONMENTS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3160

Legal Deadline: None

Abstract: This order is being issued under the Oil and Gas Operations regulations as found in 43 CFR Part 3160. The order details the minimum standards of performance when conducting workover, completions, and abandonment of existing wells on Federal and Indian lands (except Osage Tribe). It also will contain enforcement actions that will result from the failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Chief, Division of Fluid Minerals, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB37

1259. ONSHORE OIL AND GAS ORDER NO. 7 - DISPOSAL OF PRODUCED WATER

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It replaces NTL-2B. The order will also contain inspection standards. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA66

1260. ONSHORE OIL AND GAS ORDER NO. 6 - HYDROGEN SULFIDE OPERATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas

regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
NPRM - Second	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AA67

1261. ONSHORE OIL AND GAS ORDER NO. 9 - WASTE PREVENTION AND BENEFICIAL USE OF OIL AND GAS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1; 43 CFR 3162.4; 43 CFR 3162.5; 43 CFR 3162.7-1; 43 CFR 3162.7-2; 43 CFR 3162.7-3; 43 CFR 3165.3; 43 CFR 3165.4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR 3160. This order details the requirements in order to prevent wastes and promote beneficial uses of oil and gas. This order also provides the enforcement actions that will result when violations of standards occur. It also replaces NTL-4A. This order is to be referenced in the table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Division Chief, Fluid Mineral Lease & Reservoir Management, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB47

1262. GEOTHERMAL RESOURCE OPERATIONS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3200; 43 CFR 3260; 43 CFR 3270

Legal Deadline: None

Abstract: This rulemaking will revise provisions related to geothermal leasing and geothermal operations conducted on Federal lands. The changes are designed to remove burdensome and cumbersome provisions and simplify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB18

1263. SALES OF FOREST PRODUCTS; GENERAL - PREPARATION FOR SALE

Legal Authority: PL 90-554

CFR Citation: 43 CFR 5400; 43 CFR 5420

Legal Deadline: None

Abstract: Existing regulations permit timber export and purchase volumes to "ratchet" upward at a questionable rate, leading to substitution. The existing regulations need simplification. The rule would correct both of these concerns.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB34

1264. COAL MANAGEMENT -- GENERAL

Significance: Regulatory Program

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3400

Legal Deadline: None

Abstract: This rule will revise the exploration and mining operations, regulations, as well as other operations-related regulations, to streamline them and to have them reflect current policy and standard industry operating practices relating to Federal coal.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB44

1265. MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Legal Deadline: None

Abstract: These two groups of regulations will be combined into a single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Propose Rulemaking	12/27/82	47 FR 57521
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bill Condit, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB04

1266. MINING CLAIMS UNDER THE GENERAL MINING LAW - NATURE AND CLASSES OF MINING CLAIMS ASSESSMENT WORK

Legal Authority: 43 USC 1732 to 1733; 30 USC 28 - 1 - 2; 30 USC 26; 30 USC 33; 43 USC 1782

CFR Citation: 43 CFR 3800; 43 CFR 3840; 43 CFR 3850

Legal Deadline: None

Abstract: This rulemaking will amend the existing regulations to include the criteria for the standard of discovery as applied to oil shale placer mining claims and provide clarification of what constitutes substantial compliance with assessment work requirements under the Mining Law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Bill Condit, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB43

1267. MINING CLAIMS UNDER THE GENERAL MINING LAWS

Legal Authority: 30 USC 22; 43 USC 1201; 43 USC 1744; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 3809; 43 CFR Subpart 3833

Legal Deadline: None

Abstract: The rule would make amendments to the regulatory provisions dealing with the surface management of mining claims to incorporate changes recommended by a task force that studied this area.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rick Deery, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8537

RIN: 1004–AB36

1268. SALES OF FOREST PRODUCTS; CONDUCT OF SALES

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400

Legal Deadline: None

Abstract: This rule will amend the existing regulations to specify the conditions under which the provisions of this subpart are applicable to contracts that are not completed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB39

1269. SALES OF FOREST PRODUCTS; AWARD OF CONTRACT

Legal Authority: 30 USC 601 et seq; 43 USC 1181a

CFR Citation: 43 CFR 5400; 43 CFR 5450

Legal Deadline: None

Abstract: This rule will amend the existing regulations as they relate to timber sale contract performance bonds to discourage bidding at such a rate that the bidder, if awarded the contract, would be unable to perform under the terms of the contract.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB40

1270. CULTURAL RESOURCE MANAGEMENT

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Legal Deadline: None

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing system of review.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA69

1271. PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Legal Deadline: None

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

DOI—BLM **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
NPRM - Second	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-3207

RIN: 1004–AA27

1272. RECREATION: GENERAL

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Legal Deadline: None

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bob Schneider, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004–AA35

1273. CADASTRAL SURVEY

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Legal Deadline: None

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Bernard W. Hostrop, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004–AB07

1274. UNAUTHORIZED USE OF PUBLIC LANDS

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Legal Deadline: None

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Walter I. Johnson, Jr., Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004–AA38

1275. LAW ENFORCEMENT, CRIMINAL

Legal Authority: 18 USC 1852; 18 USC 1853; 43 USC 1753

CFR Citation: 43 CFR 9260

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning the unlawful removal of forest products from public lands. Existing regulations rely on State statutes in those States with statutes, but little support is provided if State statutes do not exist. This regulation would provide this support and improve overall management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Gary Ryan, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-8864

RIN: 1004–AB48

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Final Rule Stage

1276. LAND CLASSIFICATION

Legal Authority: 43 USC 315f; 43 USC 869; 43 USC 1701 et seq

CFR Citation: 43 CFR 2400

Legal Deadline: None

Abstract: The rulemaking will revise the existing land classification regulations, will remove obsolete provisions, remove burdensome provisions, simplify the land classification system and provide a new protest system for use in connection with land classification decisions.

Timetable:

Action	Date	FR Cite
NPRM	10/22/87	52 FR 39542
NPRM Comment Period End	12/21/87	52 FR 39542
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Jim Paugh, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AB19

DOI—BLM

Final Rule Stage

1277. RECREATION AND PUBLIC PURPOSES: SOLID WASTE DISPOSAL

Legal Authority: 43 USC 869 et seq; 43 USC 1701 et seq; 31 USC 9701

CFR Citation: 43 CFR 2740

Legal Deadline: None

Abstract: The Recreation and Public Purposes Amendment Act of 1988 (P.L. 100-648) enacted on November 10, 1988, amended the Recreation and Public Purposes Act of 1926. The regulations at 43 CFR 2740 need to be amended in order to add provisions of the new law that pertain to solid waste disposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Rowe, Realty Specialist, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004–AA73

1278. ONSHORE OIL AND GAS OPERATIONS - COOPERATIVE AGREEMENTS, DELEGATIONS OF AUTHORITY AND CONTRACTS FOR OIL AND GAS INSPECTION AND ENFORCEMENT

Legal Authority: 30 USC 1701; 30 USC 1732; 30 USC 1735; 30 USC 1751

CFR Citation: 43 CFR 3190

Legal Deadline: None

Abstract: This rule will provide the procedures for implementing the provisions of the Federal Oil and Gas Royalty Management Act authorizing delegations of authority to States in connection with oil and gas operations.

Timetable:

Action	Date	FR Cite
NPRM	11/28/88	53 FR 47904
NPRM Comment Period End	12/28/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Pepperney, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2200

RIN: 1004–AB32

1279. ● GEOTHERMAL RESOURCES LEASING

Legal Authority: 30 USC 1001 to 1027

CFR Citation: 43 CFR 3200

Legal Deadline: None

Abstract: The rule would amend the existing regulations concerning definitions of terms, excepted areas, leasing terms, diligent exploration requirements, and review of executing agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Karl Duscher, Chief, Branch of Leasing Management and Resource Evaluation, Department of the Interior, Bureau of Land Management, 1725 I St. NW. (Premier Bldg.), Washington, DC 20006, 202 653-2187

RIN: 1004–AB53

1280. FEES, RENTS, AND ROYALTIES

Significance: Agency Priority

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3473.3-2(a)(3)

Legal Deadline: None

Abstract: This rule will revise the royalty rate for coal removed from an underground mine to be a fixed percentage in the range limited by 5 percent and 8 percent.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28822
NPRM Comment Period End	09/28/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Politzer, Chief, Division of Solid Mineral Operations, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB45

1281. CONDUCT OF SALES (TIMBER)

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5440

Legal Deadline: None

Abstract: This rule would amend the existing regulations to define more precisely when someone may be disbarred from participating in a timber sale and would provide notice and opportunity for a hearing to those who are subject to debarment.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 28830
NPRM Comment Period End	10/05/87	52 FR 28830
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8864

RIN: 1004–AB35

1282. AWARD OF CONTRACT; SALES ADMINISTRATION

Legal Authority: 43 USC 1181e; 30 USC 601 et seq

CFR Citation: 43 CFR 5450; 43 CFR 5460

Legal Deadline: None

Abstract: It is necessary to amend existing regulations concerning timber sale contract performance bonds and payments to encourage responsible bidding at such a rate that the bidder, if awarded the contract, would be able to perform the obligations under the contract.

Timetable:

Action	Date	FR Cite
NPRM	08/17/88	53 FR 31055
NPRM Comment Period End	10/17/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

DOI—BLM

Final Rule Stage

Agency Contact: Richard Bird, Forester, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, **202 343-8864**

RIN: 1004–AB49

1283. OFF-ROAD VEHICLES

Legal Authority: 43 USC 1201; 43 USC 315a; 16 USC 1531 et seq; 16 USC 1281c; 16 USC 670 et seq; 16 USC 4601 to 6a; 16 USC 1241 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 8340

Legal Deadline: None

Abstract: This rule will amend the existing regulations to clarify some of the definitions to remove confusion that has arisen since the implementation of the existing regulations and to improve the public notification process provided by the regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/87	52 FR 27017
NPRM Comment Period End	09/15/87	52 FR 27017
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Traylor, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Room 2661, Main Interior Bldg., Washington, DC 20240, **202 343-9353**

RIN: 1004–AB26

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

1284. ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4 - MEASUREMENT OF CRUDE OIL

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order will also contain inspection standards. This is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	02/03/88	53 FR 3158
NPRM Comment Period End	04/04/88	
Final Action	02/24/89	54 FR 8086
Final Action Effective	08/23/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2127**

RIN: 1004–AA96

1285. ONSHORE OIL AND GAS ORDER NO. 2 - DRILLING OPERATIONS

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 226; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the uniform national minimum standards of performance which are expected for drilling operations on Federal and Indian (except Osage) lands. It also will contain enforcement actions that will result from failure to meet the minimum standards.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30310
NPRM Comment Period End	10/13/87	
Final Action	11/18/88	53 FR 46798
Final Action Effective	12/19/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2127**

RIN: 1004–AB21

1286. ONSHORE OIL AND GAS ORDER NO. 3 - SITE SECURITY

Significance: Regulatory Program

Legal Authority: 30 USC 189; 30 USC 359; 30 USC 1701 et seq; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3161.3; 43 CFR 3162.7-1; 43 CFR 3162.7-4

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order supplements the minimum standards found in the regulations at 43 CFR 3162.7-4(b), (c) and (d).

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30282
NPRM Comment Period End	10/13/87	
Final Action	02/24/89	54 FR 8056
Final Action Effective	03/27/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2127**

RIN: 1004–AB24

DOI—BLM

Completed Actions

1287. MANAGEMENT OF EXISTING LEASES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 521 to 531; 30 USC 1201 et seq

CFR Citation: 43 CFR 3450

Legal Deadline: None

Abstract: This rule would eliminate the right of a lessee to object to readjusted lease terms and conditions that are mandated by law or required by regulation, and also would make the readjusted royalty and rental rates effective as of the date of the lease readjustment, regardless of whether there is a subsequent appeal of the readjusted terms and conditions.

Timetable:

Action	Date	FR Cite
NPRM	12/08/87	52 FR 46499
NPRM Comment Period End	01/07/88	52 FR 46499
Final Action	09/26/88	53 FR 37296
Final Action Effective	09/26/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harry W. Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB38

1288. ONSHORE OIL AND GAS ORDER NO. 5 - MEASUREMENT OF NATURAL GAS

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Legal Deadline: None

Abstract: This order is being issued under the revised oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement of the volumes of natural gas produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. The order also will contain inspection standards. This order is to be referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	02/03/88	53 FR 3168
NPRM Comment Period End	04/04/88	
Final Action	02/24/89	54 FR 8100
Final Action Effective	03/27/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sie Ling Chiang, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2127

RIN: 1004–AB22

1289. COAL EXPLORATION AND MINING OPERATIONS RULES

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359; 30 USC 1201 et seq

CFR Citation: 30 CFR 3480

Legal Deadline: None

Abstract: This regulation will remove from the existing regulations language that provides that a suspension of a coal lease does not suspend the diligent development requirement.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32631
NPRM Comment Period End	09/26/88	
Final Action	12/13/88	53 FR 49984
Final Action Effective	01/12/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Politzer, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AB42

1290. OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Legal Authority: 30 USC 181 et seq.

CFR Citation: 43 CFR 3590

Legal Deadline: None

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	01/26/88	53 FR 2055
NPRM Comment Period End	03/28/88	
Final Action	10/07/88	53 FR 39459
Final Action Effective	11/07/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004–AA68

BILLING CODE 4310-84-T

[FR Doc. 88-5084 Filed 04-21-89; 8:45 am]

Federal Register

Monday
April 24, 1989

Part XI

Department of Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

48 CFR Ch. 28

Regulatory Agenda

AGENCY: Justice Management Division, Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its April 1989 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR Part 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 89-02, November 4, 1988.

FOR FURTHER INFORMATION CONTACT: Terry Samuels, Executive Secretariat, Justice Management Division, Department of Justice, Room 1110, 10th and Constitution Avenue, NW., Washington, DC 20530 (202-633-3123).

Dated: March 1, 1989.

Harry H. Flickinger,

Assistant Attorney General for Administration.

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1291	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1190-AA03

General Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1292	Determination for Access to National Security Information: Eligibility, Adjudication, and Appeal Procedures	1103-AA18

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1293	Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens and Unfair (Cont)	1103-AA14
1294	Procedures for Tax Refund Offsets for the Collection of Judgments	1103-AA16
1295	Justice Acquisition Regulations Title 48 2822 Nondiscrimination on the Basis of Handicap in DOJ Contracting Activities	1103-AA17
1296	Aliens and Nationality, Asylum and Withholding of Deportation Proceedings	1103-AA19

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1297	Nonimmigrant Classes, Special Requirements	1115-AA65
1298	Application for Verification of Information from INS Service Records; Form and Fee Cancellation	1115-AA66
1299	Nonimmigrant Classes; Special Requirements for Admission; Extension and Maintenance of Status	1115-AA68
1300	Acceptance by Overseas Immigration and Naturalization Service Officers and American Consulates of Jurisdiction of Relative Petitions Based on Residence of Petitioners	1115-AB01
1301	Replenishment Agricultural Workers Regulations	1115-AB05
1302	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB12
1303	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB13
1304	Prosecution for Escape From Service Custody	1115-AB15
1305	Appeals, Precedents, Certifications, and Motions	1115-AB17
1306	Documentary Requirements: Immigrants; Waivers; Conditional Basis of Lawful Permanent Resident Status for Certain Alien Spouses and Sons and Daughters	1115-AB18
1307	Aliens and Nationality	1115-AB19
1308	Fee Remittances, Cash and Personal Check Elimination	1115-AB24
1309	Nonimmigrant Classes	1115-AB26

DOJ

Immigration and Naturalization Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1310	Nonimmigrant Classes	1115-AB31

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1311	Asylum Procedures	1115-AA13
1312	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole; Direct Transits	1115-AA19
1313	Powers and Duties of Service Officers; Availability of Service Records	1115-AA21
1314	Nonimmigrant Classes; Temporary Employees	1115-AA25
1315	Powers and Duties of Service Officers; Availability of Service Records; Nonimmigrant Classes	1115-AA29
1316	Adjustment of Status to That of Persons Admitted for Permanent Residence; Creation of Records of Lawful Admission of Permanent Residence	1115-AA31
1317	Bonds	1115-AA41
1318	Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act	1115-AA44
1319	State Employment Agencies	1115-AA50
1320	Temporary Disqualification of Certain Newly Legalized Aliens from Receiving Benefits from Federal Programs of Financial Assistance	1115-AA55
1321	Certificate of Citizenship	1115-AA67
1322	Establishment of National Fines Office	1115-AA73
1323	Equal Treatment of Fathers	1115-AA76
1324	Special Agricultural Workers	1115-AA83
1325	Change of Nonimmigrant Classification	1115-AA87
1326	Adjustment of Status for Certain Aliens	1115-AA97
1327	Alien Commuters	1115-AB08
1328	INS/EOIR Fee Review	1115-AB11
1329	Conditions for Release From Custody and/or Bond and for Change of Venue	1115-AB16
1330	Aliens and Nationality	1115-AB22
1331	Aliens and Nationality	1115-AB23
1332	Applications, Petitions, and Other Documents--Evidence	1115-AB25
1333	Aliens and Nationality; Asylum and Withholding of Deportation Procedures	1115-AB27
1334	Nonimmigrant Classes	1115-AB28
1335	Nonimmigrant Classes Pursuant to the U.S.-Canada Free Trade Agreement	1115-AB29
1336	Nonimmigrant Classes; Special Requirements for Admission, Extension and Maintenance of Status, Control of Employment of Aliens	1115-AB30
1337	School Approval and Withdrawal Regulations	1115-AB32
1338	Judicial Recommendations Against Deportation; Controlled Substance Violations	1115-AB33
1339	Public Notice Legalization: English Language/Citizenship Standard Test	1115-AB34
1340	Availability of Decisions and Interpretive Material Under the Freedom of Information Act	1115-AB36
1341	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB37
1342	Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant	1115-AB38

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1343	Powers and Duties of Service Officers; Availability of Service Records	1115-AA28
1344	Applicant Processing for the Legalization Program; Conforming Amendments	1115-AA39
1345	Adjustment of Status for Certain Aliens	1115-AA52
1346	Display of Control Numbers	1115-AA54
1347	Documentary Requirements: Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole	1115-AA59
1348	Immigration User Fee, Conforming Amendments	1115-AA81
1349	Contracts with Transportation Lines	1115-AA88
1350	Revision of Regulations Regarding the Seizure and Forfeiture of Conveyances	1115-AA95
1351	Documentary Requirements; Nonimmigrants; Waivers; Admission of Certain Inadmissible Aliens; Parole	1115-AB00
1352	Special Agricultural Workers	1115-AB03

DOJ

Immigration and Naturalization Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
1353	Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or Land Transportation	1115-AB14
1354	Visa Waiver Pilot Program; Adjacent islands and Transit Passengers	1115-AB20
1355	Visa Waiver Pilot Program	1115-AB21
1356	Powers and Duties of Service Officers	1115-AB35

Legal Activities—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1357	Notification of Obligations of Agents of Foreign Governments Under 18 USC 951	1105-AA06

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1358	Implementation of the Equal Access to Justice Act in Department of Justice Administrative Proceedings	1105-AA05

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1359	Criminal Intelligence Systems Operating Policies	1121-AA12

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1360	Equal Employment Opportunity Program Guidelines	1121-AA10
1361	Nondiscrimination in Federal Assisted Programs -- Implementation of Section 809 (c) (1) of the Justice Assistance Act of 1984	1121-AA11
1362	Criminal Justice Information Systems	1121-AA13

DEPARTMENT OF JUSTICE (DOJ)

Civil Rights Division (CRT)

Final Rule Stage

1291. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart I (New)

Legal Deadline: None

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended, in programs or activities assisted by the Department of Justice (DOJ). The statute, 42 USC 6103(a)(4), requires that Federal agencies providing Federal financial assistance promulgate implementing regulations consistent with the general regulations issued by the Secretary of Health and Human Services (HHS), and the statute provides that such agency regulations shall not be effective until approved by HHS. In 1980 the proposed rule was published for comment, modified, approved by the DOJ Office of Legal Counsel, and on November 10, 1980 a draft final rule was forwarded to

DOJ—CRT **Final Rule Stage**

HHS for approval. On July 13, 1984 HHS conditionally approved the draft regulation. On August 12, 1987 DOJ submitted to HHS a draft final regulation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/18/80	45 FR 32710
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Doreen Dennis, Attorney, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66118, Washington, DC 20035-6118, 202 724-2219

RIN: 1190–AA03

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Proposed Rule Stage

1292. DETERMINATION FOR ACCESS TO NATIONAL SECURITY INFORMATION: ELIGIBILITY, ADJUDICATION, AND APPEAL PROCEDURES

Legal Authority: EO 12356

CFR Citation: 28 CFR 17

Legal Deadline: None

Abstract: To establish procedures for granting, denying, suspending, and revoking access to national security information originated by, or in the control of, the Department of Justice.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: D. Jerry Rubino, Director, Security and Emergency Planning Staff, Department of Justice, General Administration, 10th & Constitution Avenue, NW, Washington, DC 20530, 202 633-2094

RIN: 1103–AA18

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Final Rule Stage

1293. RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES IN CASES INVOLVING ALLEGATIONS OF UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR (CONT)

Significance: Agency Priority

Legal Authority: 5 USC 301; 5 USC 554; 8 USC 1103; 8 USC 1324a; 8 USC 1324b

CFR Citation: 28 CFR 66

Legal Deadline: None

Abstract: These regulations will provide the rules of practice and procedure in administrative hearings regarding allegations of unlawful hiring, recruiting or referring for a fee, for employment in the United States of aliens, knowing that the aliens are not authorized to work in the United States, or the continued employment of aliens in the United States knowing the aliens are (or have become) unauthorized to work in the United States, failure to comply with the employment verification requirements and unfair immigration-related employment practices.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/24/87	52 FR 44972
Final Action	05/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Immigration-Related Employment Practices

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, 5203 Leesburg Pike, Suite 1609, Falls Church, VA 22041, 703 756-6470

RIN: 1103–AA14

1294. PROCEDURES FOR TAX REFUND OFFSETS FOR THE COLLECTION OF JUDGMENTS

Legal Authority: 31 USC 3720A; 31 USC 3718; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Legal Deadline: None

Abstract: The proposed regulation will establish procedures for referring to the Department of the Treasury debts for collection by offset against Federal income tax refunds. Authority to do this program expired on June 30, 1988. In limbo at present time pending Congress' action on authorization to extend offset authority. If Congress approves authorization to extend offset authority, we will follow up with necessary action.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22026
Interim Final Rule	03/09/89	54 FR 9979
Interim Final Rule Effective	03/09/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert C. Niffenegger, Department of Justice, General Administration, 10th Street and Constitution Avenue, NW, Washington, DC 20530, 202 633-5345

RIN: 1103–AA16

DOJ—DOJADM

Final Rule Stage

1295. JUSTICE ACQUISITION REGULATIONS TITLE 48 2822 NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DOJ CONTRACTING ACTIVITIES

Legal Authority: 29 USC 794

CFR Citation: 48 CFR 2822 (New); 48 CFR 2852, 270-1

Legal Deadline: None

Abstract: These rules will prohibit discrimination against the handicapped in agency programs or activities conducted by contractors. The rules will not have a significant cost impact on contractors but will enhance services to the handicapped and prevent discrimination.

Timetable:

Action	Date	FR Cite
NPRM	05/18/88	53 FR 17729
NPRM Comment Period End	06/18/88	53 FR 17729

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: W. L. Vann, Procurement Executive, Department of Justice, General Administration, 633 Indiana Avenue, N.W. Room 542, Washington, DC 20530, **202 272-8354**

RIN: 1103–AA17

1296. ALIENS AND NATIONALITY, ASYLUM AND WITHHOLDING OF DEPORTATION PROCEEDINGS

Significance: Agency Priority

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1253

CFR Citation: 8 CFR 208.10

Legal Deadline: None

Abstract: The proposed regulation change would make certain grounds for the mandatory denial of asylum claims, such as certain serious criminal convictions, applicable in deportation and exclusion proceedings. It would clarify the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of the alien's case.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28231
NPRM Comment Period End	08/26/88	53 FR 28231
Final Action	05/01/89	
Final Action Effective	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Suite 1609, 5203 Leesburg Pike, Falls Church, VA 22041, **703 756-6470**

RIN: 1103–AA19

DEPARTMENT OF JUSTICE (DOJ)

Immigration and Naturalization Service (INS)

Proposed Rule Stage

1297. NONIMMIGRANT CLASSES, SPECIAL REQUIREMENTS

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None

Abstract: The Immigration and Naturalization Service ("the Service") proposes to restrict the types of situations under which an alien may apply for an extension of stay as a nonimmigrant visitor for pleasure (B-2). Faced with ever-increasing adjudications caseloads and with resources which fail to keep pace with those increases, the Service must continually seek ways to carry out its responsibilities in a more efficient manner. By limiting the situations under which a visitor for pleasure may seek an extension of stay, the Service will decrease the amount of resources which must be dedicated to this area and will be able to increase its efforts in other areas having higher priority.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1029-88

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, **202 633-3946**

RIN: 1115–AA65

1298. APPLICATION FOR VERIFICATION OF INFORMATION FROM INS SERVICE RECORDS; FORM AND FEE CANCELLATION

Legal Authority: 8 USC 1103; 31 USC 9701

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: The Immigration and Naturalization Service ("the Service") entertains numerous requests for Verification of Information from INS Service Records, via Form G-641. This form has been misused as a substitute document, while other INS documents are being prepared (i.e., I-94, I-551 or Certificate of Naturalization or Citizenship). Should an applicant need to have his or her status verified while waiting for one of these documents to be processed, and such verification can be satisfied by obtaining a copy of a document (certified if necessary), an FOIA/PA request can be made. If verification is needed to obtain a benefit and a copy will not suffice, the agency needing verification can make a direct request to the INS and it will be handled as appropriate.

Discontinuing the use of Form G-641 will also eliminate the need to request Form G-350, Certification of Birth Data. Requests for this document are minimal since foreign-born children are issued an alien registration receipt card or a citizenship document by INS and no other form of identification should be necessary.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1044-88

Agency Contact: Ramonia Law-Hill, Information Management Specialist, Department of Justice, Immigration and Naturalization Service, 202 633-2552

RIN: 1115–AA66

1299. NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION; EXTENSION AND MAINTENANCE OF STATUS

Legal Authority: 8 USC 1101(a)(15)(B); 8 USC 1184

CFR Citation: 8 CFR 214.2(b)

Legal Deadline: None

Abstract: This notice announces the intent of the Immigration and Naturalization Service ("the Service") to set forth, in regulatory form, the special requirements for admission, extension and maintenance of status of nonimmigrant alien visitors for business and visitors for pleasure. Much of the Service's written policy relating to this subject is now contained in the Service's Operations Instructions at O.I. 214.2(b). Because it is more appropriate for interpretations and rules to be set forth in regulatory form, this information will become part of 8 CFR 214. In addition, the proposed rulemaking will clarify the criteria for according B-1 classification to members of certain occupations (such as participants in religious programs and members of foreign film crews). By issuing this advance notice, the Service is providing an opportunity to the public to submit comments and make suggestions at an earlier stage of the process. This will result in a proposed rule which is more comprehensive in its scope and more understandable to the public.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/87	52 FR 36783
ANPRM Comment Period End	11/16/87	52 FR 36783
NPRM	06/30/89	
NPRM Comment Period End	08/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1025-89

Agency Contact: Michael L. Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-3946

RIN: 1115–AA68

1300. ACCEPTANCE BY OVERSEAS IMMIGRATION AND NATURALIZATION SERVICE OFFICERS AND AMERICAN CONSULATES OF JURISDICTION OF RELATIVE PETITIONS BASED ON RESIDENCE OF PETITIONERS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This amendment revises and clarifies the process used by overseas INS offices and American consulates in accepting jurisdiction of Forms I-130, petitions for alien relatives.

Timetable:

Action	Date	FR Cite
NPRM	04/28/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INS Number 1055-88

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115–AB01

1301. REPLENISHMENT AGRICULTURAL WORKERS REGULATIONS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 8 CFR 210a

Legal Deadline: None

Abstract: This rule adds a new Part 210a of 8 CFR, to conform with the new section 210A of the Immigration and Nationality Act, established by the Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603. The purpose of this proposed rule is to set forth the criteria and procedures to be used to admit or adjust the status of replenishment agricultural workers for temporary residence, and to address the rights and obligations of aliens admitted or adjusted under this section.

Timetable:

Action	Date	FR Cite
Public Notice--Notice of Availability	08/15/88	53 FR 30685
Comments due date	09/14/88	
NPRM	03/07/89	54 FR 9054
NPRM Comment Period End	04/03/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1201-89

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers, Department of Justice, Immigration and Naturalization Service, 425 Eye Street NW, Washington, DC 20536, 202 786-5723

RIN: 1115–AB05

1302. ● PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.4(c)

Legal Deadline: None

Abstract: This regulation will impact Service administration and public awareness on issues concerning "Subsequent Petition by Same Petitioner for Same Beneficiary".

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1208-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-5014

RIN: 1115–AB12

DOJ—INS

Proposed Rule Stage

1303. ● PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.2(c)(8)

Legal Deadline: None

Abstract: This regulation will impact Service Administration and public awareness on issues concerning blood testing.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1207-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-5014

RIN: 1115–AB13

1304. ● PROSECUTION FOR ESCAPE FROM SERVICE CUSTODY

Legal Authority: PL 100-690

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: The regulation will create implementing language for that section of the Anti-Drug Abuse Act of 1988 that makes escape, attempted escape, or assisting in an escape from Service custody a misdemeanor offense.

Timetable:

Action	Date	FR Cite
NPRM	06/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1213-89

Agency Contact: Carol Jenifer, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-2276

RIN: 1115–AB15

1305. ● APPEALS, PRECEDENTS, CERTIFICATIONS, AND MOTIONS

Legal Authority: 5 USC 522(a); 8 USC 1101; 8 USC 1103; 8 USC 1160; 8 USC 1201; 8 USC 1255a; 8 USC 1303; 8 USC 1304; 8 USC 1455; 31 USC 9701; EO 12356; 3 CFR 1982 Comp., p. 166

CFR Citation: 8 CFR 103.1; 8 CFR 103.3; 8 CFR 103.4; 8 CFR 103.5

Legal Deadline: None

Abstract: The regulatory action deals with appeals, precedent decisions, certifications, and motions. It would have a beneficial impact on the public by increasing the time periods for submission of certain appeals and briefs and making requirements easier to understand. It would have a beneficial impact on the Service by increasing the number of complete appeals filed with any supporting briefs and streamlining the Service's review of certain decisions. It would also change the title of the Chief, Administrative Appeals Unit to Director, which would have a negligible impact.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1136-89

Agency Contact: Thomas Simmons, Chief, Administrative Appeals Unit, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 376-2084

RIN: 1115–AB17

1306. ● DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS; CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1181; 8 USC 1184; 8 USC 1186a; 8 USC 1203; 8 USC 1225; 8 USC 1257; 66 Stat 166; 100 Stat 3533; 100 Stat 3537; 66 Stat 173; 66 Stat 181; 66 Stat 184; ...

CFR Citation: 8 CFR 211; 8 CFR 216

Legal Deadline: None

Abstract: This proposed rulemaking would amend those regulations published under the Marriage Fraud Amendments of 1986, to allow individuals who are outside the United States to file a Joint Petition to remove the conditional basis of alien's permanent resident status. It would also clarify the regulation relating to travel outside the United States once the petition has been filed and the applicant is in possession of a receipt for filing.

Timetable:

Action	Date	FR Cite
NPRM	04/28/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1134-89

Agency Contact: Michael Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3946

RIN: 1115–AB18

1307. ● ALIENS AND NATIONALITY

Legal Authority: 8 USC 1101 et seq

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 241; 8 CFR 242; 8 CFR 243; 8 CFR 244; 8 CFR 274a; 8 CFR 287

Legal Deadline: None

Abstract: Amendments to procedural language describing the administrative procedures used by the Immigration and Naturalization Service in apprehension, custody, hearing, and appeal processes for aliens convicted of aggravated felonies. These changes are predicated upon the amendments to the Immigration and Nationality Act contained in the Anti-Drug Abuse Act of 1988 (Subtitle J-Provisions Relating to the Deportation of Aliens Who Commit Aggravated Felonies).

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1209-89

Agency Contact: Robert A. McGraw, Senior Special Agent, Department of

DOJ—INS

Proposed Rule Stage

Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-2997

RIN: 1115–AB19

1308. ● FEE REMITTANCES, CASH AND PERSONAL CHECK ELIMINATION

Legal Authority: 5 USC 522(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to modify our fee remittance policy to the acceptance of certified/cashiers checks and money orders only. This change is necessary to reduce misappropriation of funds, eliminate manpower and administrative costs, and to provide improved services to fee remitters.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1127-89

Agency Contact: Charles Thomason, Systems Accountant, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-4705

RIN: 1115–AB24

1309. ● NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This regulation amends regulations relating to temporary treaty traders and investors under 101 (a)(15)(E) of the INA. It further expands and clarifies current regulations for greater public understanding.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1203-89

Agency Contact: Pearl Chang, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AB26

1310. ● NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 CFR 2

CFR Citation: 8 CFR 214.2(k)

Legal Deadline: None

Abstract: This rule will impact Service Administration and public awareness concerning issues related to "Fiancees and fiances of United States Citizens".

Timetable:

Action	Date	FR Cite
NPRM	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1204-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-5014

RIN: 1115–AB31

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Final Rule Stage

1311. ASYLUM PROCEDURES

Significance: Regulatory Program

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253; 8 USC 1283

CFR Citation: 8 CFR 208; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f); 8 CFR 3

Legal Deadline: None

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/28/87	52 FR 32552
NPRM Comment Period End	10/27/87	52 FR 32552
Modification of Proposed Rule	04/06/88	53 FR 11300
Comment Period End	05/06/88	53 FR 11300
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: DOJ Order Number on revised proposed rule 1267-88.

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-5463

RIN: 1115–AA13

1312. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.7(d)

Legal Deadline: None

Abstract: This final rule outlines requirements for approval of section 212(k) waivers, including an amended I-193 for use in making the application.

DOJ—INS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Harvey Adler, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2725

RIN: 1115–AA19

1313. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Legal Authority: 8 USC 1103; Office of Management and Budget Circular A-25

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to amend the fee schedule of the Immigration and Naturalization Service. This change will add fees for two new forms created as a result of the Immigration Marriage Fraud Amendments of 1986 (IMFA). These forms are the Joint Petition to Remove the Conditional Basis of Alien's Permanent Resident Status (Form I-751) and the Application for Waiver of Requirement to File Joint Petition for Removal of Conditions (Form I-752). The proposed charges reflect the estimated cost of providing the benefits and services to the public, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2426
Final Action	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number E-88

Agency Contact: Michael Shaul, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AA21

1314. NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1258

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The Immigration Reform and Control Act of 1986 (IRCA) imposes sanctions against employers who hire aliens not authorized to work. Since many of the Nation's agricultural employers have become dependent upon such workers to meet production and harvesting needs, Congress created the Special Agricultural Workers (SAW) Program and the Replenishment Agricultural Workers (RAW) Program to provide permanent resident status to certain agricultural workers. To clarify the process through which employers can employ nonimmigrant seasonal and temporary agricultural workers, Congress moved agricultural employment from H-2 classification into a separate H-2A class, and incorporated a labor certification process into the statute. This interim rule establishes special H-2A regulatory criteria. It supplements the Department of Labor's rules covering the temporary agricultural labor certification process. This rule amends Service regulations relating therefore to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Interim Final Rule	06/01/87	52 FR 20554
Interim Rule Effective Date	06/01/87	52 FR 20554
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1008-88

Agency Contact: Michael L. Aytes, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AA25

1315. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS; NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1351; 8 USC 1454; 8 USC 1455

CFR Citation: 8 CFR 103.1(f)(1); 8 CFR 214.4

Legal Deadline: None

Abstract: This proposed rule would revise the procedures and authority to withdraw approval of a school to enroll foreign students.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	51 FR 40207
NPRM Comment Period End	01/05/87	51 FR 40207
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number C-88

Agency Contact: Joanna London, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2895

RIN: 1115–AA29

1316. ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR PERMANENT RESIDENCE; CREATION OF RECORDS OF LAWFUL ADMISSION OF PERMANENT RESIDENCE

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255; 8 USC 1257; 8 USC 1259; PL 100-525

CFR Citation: 8 CFR 245.1; 8 CFR 245.6; 8 CFR 245.7; 8 CFR 245.8; 8 CFR 245.9; 8 CFR 249.2; 8 CFR 103

Legal Deadline: None

Abstract: This interim rule will implement sections 117, 202, and 203 of the Immigration Reform and Control Act of 1986. Section 107 contains prohibitions on adjustment of lawful permanent resident status by certain individuals. Section 202 provides for adjustment to lawful permanent resident status by certain nationals of Cuba and Haiti. Section 203 changes the registry date for creation of record of lawful permanent residence from

DOJ—INS

Final Rule Stage

June 30, 1948 to January 1, 1972. This rule will also amend the list of applications appealable to the Associate Commissioner, Examinations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/03/87	52 FR 6320
Correction of legal citation	04/27/87	52 FR 13827
Final Action	04/28/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1003-89

Agency Contact: Joseph D. Cuddihy, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3320

RIN: 1115–AA31

1317. BONDS

Legal Authority: 5 USC 552(A); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243; ...

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to eliminate surety bonds as acceptable security on immigration appearance, public charge, and maintenance of status and departure bonds. This change is necessary to increase alien appearances and minimize dollar losses to the U.S.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24475
NPRM Comment Period End	07/31/87	52 FR 24475
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number 1036-87

Agency Contact: Wanda LaBay, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 202 376-2854

RIN: 1115–AA41

1318. TEMPORARY ALIEN WORKERS SEEKING CLASSIFICATION UNDER THE IMMIGRATION AND NATIONALITY ACT

Significance: Regulatory Program

Legal Authority: 8 USC 1101

CFR Citation: 8 CFR 214.2(h)

Legal Deadline: None

Abstract: The proposed rule amends regulations of the INS relating to Temporary Alien Workers seeking classification under section 101(a) (15) (H) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28576
NPRM Comment Period End	10/07/86	51 FR 28576
Another Proposed Rule Published	10/26/88	53 FR 43217
Comment Period End	11/25/88	53 FR 43217
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1040-88

Agency Contact: Flora Richardson, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-3240

RIN: 1115–AA44

1319. STATE EMPLOYMENT AGENCIES

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1324a; PL 99-603

CFR Citation: 8 CFR 274a.6

Legal Deadline: None

Abstract: This interim rule amends the regulations at 8 CFR 274a.6, defining procedures for State employment agencies in verifying the identity and employment eligibility of individuals and certifying verifications to employers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/09/87	52 FR 43050
Effective date of Interim Rule	11/09/87	52 FR 43050
Comment period closes on Interim Rule	01/08/88	52 FR 43050
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: INS Number 1046-87

Agency Contact: Christopher Pohl, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 202 633-4495

RIN: 1115–AA50

1320. TEMPORARY DISQUALIFICATION OF CERTAIN NEWLY LEGALIZED ALIENS FROM RECEIVING BENEFITS FROM FEDERAL PROGRAMS OF FINANCIAL ASSISTANCE

Significance: Agency Priority

Legal Authority: 8 USC 1101 (Note); PL 99-603; 100 Stat. 3359

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This proposed rule implements section 245A of the Immigration and Nationality Act ("ACT"), as amended by section 201 of the Immigration Reform and Control Act of 1986, PL 99-603 ("IRCA"). Section 245A(h) of the Act provides that, with certain exceptions, aliens granted lawful temporary resident status pursuant to section 245A(a) are not eligible for a period of five years after such grant to receive benefits from programs of financial assistance furnished under Federal law on the basis of financial need. The Attorney General is required by section 245A(h)(1)(A)(i) of the Act to identify such programs after consultation with other appropriate heads of the various departments and agencies of Government. This proposed rule implements such provision.

Timetable:

Action	Date	FR Cite
NPRM	08/24/87	52 FR 31784
NPRM Comment Period End	09/23/87	52 FR 31784
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

DOJ—INS

Final Rule Stage

Analysis: Regulatory Impact Analysis

Additional Information: INS Number 1038-88

Agency Contact: Paul W. Virtue, Deputy General Counsel, Department of Justice, Immigration and Naturalization Service, 202 633-2656

RIN: 1115–AA55

1321. CERTIFICATE OF CITIZENSHIP

Legal Authority: PL 99-653; 8 USC 1103; 8 USC 1409(c); 8 USC 1434; 8 USC 1444; 8 USC 1448; 8 USC 1452; 8 USC 1455

CFR Citation: 8 CFR 341

Legal Deadline: None

Abstract: This rule change will implement section 22 of P.L. 99-653, the Immigration and Nationality Act Amendments of 1986, regarding issuance of certificates of citizenship for adopted children. The effect of this rule change is to facilitate acquisition of United States citizenship by adopted alien children once they enter the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/87	52 FR 13229
Notice of Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1007-88

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115–AA67

1322. ESTABLISHMENT OF NATIONAL FINES OFFICE

Legal Authority: PL 99-591

CFR Citation: 8 CFR 280; 8 CFR 100; 8 CFR 103

Legal Deadline: None

Abstract: This rule establishes a centralized handling of administrative fines; department established as a precursor of National Collections office. Removes workload from district examiners. It provides authority for the Director, National Fines Office to issue notices and bills, and to make adjudicative decisions on finable offenses in order to support district directors by processing such cases centrally, in an automated system.

Timetable:

Action	Date	FR Cite
Final Action	04/28/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1128-89

Agency Contact: Dwight S. Faulkner, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 202 633-2680

RIN: 1115–AA73

1323. EQUAL TREATMENT OF FATHERS

Legal Authority: PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This revision is to assist in the implementation of PL 99-603, the Immigration Reform and Control Act of 1986, which recognizes, for preference petition purposes, the relationship between a biological father and his illegitimate child.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1049-87

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115–AA76

1324. SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101 note; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 8 USC 1182; 8 USC 1252; 8 USC 1362; ...

CFR Citation: 8 CFR 103; 8 CFR 210; 8 CFR 242

Legal Deadline: None

Abstract: This rule implements a new amendment to section 210 of the INA by deleting the entry cut-off date for eligibility to file applications under section 210 in the United States; and establishing standards and procedures for processing "preliminary applications" at designated ports of entry on the southern land border. This rule clarifies and makes various grammatical and technical amendments to the regulations governing the Special Agricultural Worker Program including changes necessitated by the new amendments to section 210. The rule defines the term "preliminary application"; deletes the limitation on the authority of District Directors to deny applications at legalization offices; deletes the filing date requirement for eligible aliens apprehended prior to the application period; clarifies the provision concerning where appeals under Part 210 are to be filed; deletes the references to issuance of an Order to Show Cause and Warrant of Arrest in cases where the United States Attorney declines prosecution; clarifies the provision requiring notification of decisions to the applicant's representative; confirms that Special Agricultural Worker (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/88	53 FR 10062
Comment period closes	04/28/88	53 FR 10062

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1101-88

ABSTRACT CONT: applicants are permitted to travel outside the United States and reenter upon the presentation of a valid unexpired Form I-688A; provides for eligible applicants to be issued the Temporary Resident Card at any Legalization Office; and, deletes the transitional admission.

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers (SAW),

Department of Justice, Immigration and Naturalization Service, 202 786-3658

RIN: 1115–AA83

1325. CHANGE OF NONIMMIGRANT CLASSIFICATION

Legal Authority: PL 99-603; 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1257; 8 USC 1258

CFR Citation: 8 CFR 248

Legal Deadline: None

Abstract: This rule change will implement section 312 of PL 99-603, the Immigration Reform and Control Act of 1986, to facilitate an application for a change to nonimmigrant (N) status while in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Effective Date	11/06/86	52 FR 11621
Interim Final Rule	05/11/87	52 FR 11621
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1000-87

Agency Contact: Thomas E. Cook, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 202 633-5014

RIN: 1115–AA87

1326. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

Legal Authority: PL 99-603; 100 Stat. 3359; 8 USC 1101 (Note); PL 100-204; 101 Stat. 1331

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This rule amends the regulations published in the Federal Register at 52 FR 16205 on May 1, 1987, and 52 FR 43843 published on November 17, 1987. The rule further provides for another class of eligible aliens, specifically, certain nationals of countries for which extended voluntary departure (EVD) was made available at any time during the 5 year period ending on November 1, 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/21/88	53 FR 9274
Comment period closes	04/20/88	53 FR 9274
Final Action	04/20/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1106-88

Agency Contact: Terrance M. O'Reilly, Deputy Assistant Commissioner, Department of Justice, Immigration and Naturalization Service, 202 786-3658

RIN: 1115–AA97

1327. ALIEN COMMUTERS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257

CFR Citation: 8 CFR 211

Legal Deadline: None

Abstract: This rule amends 8 CFR 211.5 to provide that commuter aliens, in order to retain resident status, must demonstrate either that they have not been unemployed for a continuous period of six months or that they have worked ninety days, in the aggregate, during the twelve-month period preceding their application for admission into the United States. The current regulations governing alien commuters provide for a loss of permanent resident status to commuters who have been out of regular employment in the United States for a continuous period of six months.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/88	53 FR 18259
Interim Final Rule Effective	05/23/88	53 FR 18259
Interim Final Rule Public Comment Period End	06/22/88	53 FR 18259
Final Action Effective	04/28/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS Number 1105-88

Agency Contact: Aaron Bodin, Deputy Assistant Commissioner, Special Agricultural Workers, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-5309

RIN: 1115–AB08

1328. INS/EOIR FEE REVIEW

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 8 CFR 103.7

Legal Deadline: None

Abstract: This rule proposes to amend the existing fee schedule of the Immigration and Naturalization Service and the Executive Office for Immigration Review (EOIR). These changes are necessary to place the financial burden of providing special services and benefits which do not accrue to the public at large on the recipients of these special services and benefits. Charges have been adjusted to more nearly reflect the current recovery cost of providing these special services and benefits, taking into account public policy and other pertinent facts.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 5030
NPRM Comment Period End	01/13/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number F-88

Agency Contact: Charles S. Thomason, Jr., Systems Accountant, Finance Branch, Department of Justice, Immigration and Naturalization Service, 425 Eye Street, NW, Washington, DC 20536, 202 633-4705

RIN: 1115–AB11

1329. ● CONDITIONS FOR RELEASE FROM CUSTODY AND/OR BOND AND FOR CHANGE OF VENUE

Legal Authority: 8 USC 1103; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; 5 USC 301; 8 USC 1182; 8 USC 1252; 8 USC 1254; 8 USC 1362; EO 12356; 100 Stat 3359; PL 95-145, Title I

CFR Citation: 8 CFR 3; 8 CFR 242

Legal Deadline: None

Abstract: This rule sets forth minimum conditions which an alien who has

been placed in custody following the issuance of an order to show cause and a warrant of arrest must meet in order to be considered for release from custody and/or bond. It sets similar conditions which an alien in deportation proceedings must meet in order to obtain a change of venue.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1214-89

Agency Contact: Lolita Semidey, Attorney, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-2895

RIN: 1115–AB16

1330. ● ALIENS AND NATIONALITY

Legal Authority: 8 USC 1101 et seq

CFR Citation: 8 CFR 242

Legal Deadline: None

Abstract: Amendments to 8 CFR 242 to add the Deputy Assistant District Director for Investigations to the list of officials authorized to issue Orders to Show Cause and Notice of Hearing and Warrants of Arrest in deportation proceedings.

Timetable:

Action	Date	FR Cite
Final Action	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1210-89

Agency Contact: Richard R. Kellner, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-3098

RIN: 1115–AB22

1331. ● ALIENS AND NATIONALITY

Legal Authority: 8 USC 1101 et seq

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: Amendments to 8 CFR 274a.6 to finalize the procedural language describing the administrative procedures to be used by state agencies involved in the issuance of employment eligibility certifications in compliance with the employment control provisions of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
Final Action	04/28/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: INS Number 1211-89

Agency Contact: Gregory S. Bednarz, Deputy Assistant Commissioner, Investigations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-2997

RIN: 1115–AB23

1332. ● APPLICATIONS, PETITIONS, AND OTHER DOCUMENTS—EVIDENCE

Legal Authority: 8 USC 1103

CFR Citation: 8 CFR 103.2(b)(1)

Legal Deadline: None

Abstract: This rule should resolve the issue of who certifies a copy of an original document.

Timetable:

Action	Date	FR Cite
Final Action	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1202-89

Agency Contact: Raymond Jaroneski, Jr., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-5014

RIN: 1115–AB25

1333. ● ALIENS AND NATIONALITY; ASYLUM AND WITHHOLDING OF DEPORTATION PROCEDURES

Legal Authority: 8 USC 1101; 8 USC 1158; 8 USC 1253

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: The provisions of 8 CFR 208.10 are amended to make certain grounds for the mandatory denial of asylum claims, such as an alien's conviction of a particularly serious crime in the United States directly applicable and binding on applications for asylum that are filed during deportation or exclusion proceedings. The rule also clarifies the authority of immigration judges to deny an application for asylum or withholding of deportation for mandatory reasons without an unnecessary evidentiary hearing into other aspects of an alien's case.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 28231
NPRM Comment Period End	08/26/88	
Final Action	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: INS Number G-89

INS Contact Person: Ralph Thomas, Deputy Assistant Commissioner, Refugee, Asylum and Parole, 633-5463.

Agency Contact: Gerald Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Department of Justice, Immigration and Naturalization Service, 5203 Leesburg Pike, Falls Church, VA 22041, 703 756-6470

RIN: 1115–AB27

1334. ● NONIMMIGRANT CLASSES

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 214.2

Legal Deadline: None

Abstract: This rule defines the term "trade" as it relates to E-1 nonimmigrant treaty traders. The term has never been defined by the Service, and this definition includes trade in services, as well as trade in goods. This definition should increase the number of E-1 application, since in the past the Service has traditionally limited "Trade" to trade in goods.

DOJ—INS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48914
NPRM Comment Period End	01/04/89	
Final Action	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1126-89

Agency Contact: Edward Skerrett, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3946

RIN: 1115–AB28

1335. ● NONIMMIGRANT CLASSES PURSUANT TO THE U.S.-CANADA FREE TRADE AGREEMENT

Significance: Agency Priority

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1201; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1301; 8 USC 1302; 8 USC 1303; ...

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This rule implements provisions of the United States-Canada Free Trade Agreement (FTA) by establishing procedures for temporary entry of Canadian citizen business persons into the United States. This rule will facilitate temporary entry on a reciprocal basis between the United States and Canada, while recognizing the continued need to ensure border security and to protect indigenous labor and permanent employment in both countries.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/89	54 FR 12
Comment period closes on Interim Final Rule	02/02/89	54 FR 12
Final Action	06/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: INS Number 1138-89

Agency Contact: Edward Skerrett, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AB29

1336. ● NONIMMIGRANT CLASSES; SPECIAL REQUIREMENTS FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS, CONTROL OF EMPLOYMENT OF ALIENS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a; 8 USC 1187

CFR Citation: 8 CFR 214; 8 CFR 274a

Legal Deadline: None

Abstract: This rule revises the regulations of the INS relating to employment authorization for dependents of certain foreign government and international organization officials classified as A-1, A-2, and G-4 nonimmigrants. It also allows employment authorization for dependents of certain foreign officials classified as G-1 Nonimmigrants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/88	53 FR 46850
Interim Final Rule Effective Date	11/21/88	53 FR 46851
Interim Final Rule Comment Period End	12/21/88	53 FR 46851
Final Action	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1125-89

Agency Contact: Jack Tabaka, Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3946

RIN: 1115–AB30

1337. ● SCHOOL APPROVAL AND WITHDRAWAL REGULATIONS

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186a

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: This rule requires that schools approved by the Service for attendance by foreign students report any significant changes made to their names, addresses, or curricula to ensure effective monitoring of the Student School Program. The Service will withdraw the approval of a school on notice for failure to comply with this reporting requirement. This rule also updates the regulation regarding withdrawal of school approval to reflect current school transfer procedures for F-1 nonimmigrant students.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4831
NPRM Comment Period End	03/02/89	
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1122-89

Agency Contact: Pearl Chang, Senior Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-3946

RIN: 1115–AB32

1338. ● JUDICIAL RECOMMENDATIONS AGAINST DEPORTATION; CONTROLLED SUBSTANCE VIOLATIONS

Legal Authority: 8 USC 1103; 8 USC 1251; 8 USC 1252; 8 USC 1357

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: This rule will require additional data to be provided by an alien seeking a judicial recommendation against deportation in order to help identify him/her to the Immigration and Naturalization Service. This change is necessary to ensure that the Service will be given sufficient information necessary to identify the alien who is the subject of a motion for a judicial recommendation against deportation. This change will permit the Service sufficient time to obtain any file relating to the alien and to prepare a response, if desired, to the alien's motion for a judicial recommendation against deportation.

DOJ—INS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/04/89	54 FR 154
NPRM Comment Period End	02/03/89	54 FR 154
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1124-89

Agency Contact: Ira Frank, Senior Special Agent, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3098

RIN: 1115–AB33

1339. ● PUBLIC NOTICE LEGALIZATION: ENGLISH LANGUAGE/CITIZENSHIP STANDARD TEST

Legal Authority: PL 99-603

CFR Citation: None

Legal Deadline: None

Abstract: This notice announces the proposals that the INS has accepted under this program and extends the opportunity for participation in this program effort by interested and capable entities.

Timetable:

Action	Date	FR Cite
Notice of Solicitation	03/16/88	53 FR 8702
Notice of Solicitation	06/08/88	53 FR 21535
Notice of Program	01/31/89	54 FR 4920
Notice of Program Proposals due no later than	07/31/89	54 FR 4920

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: INS Number 1132-89

Agency Contact: Terrance O'Reilly, Deputy Assistant Commissioner, Legalization, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 786-3658

RIN: 1115–AB34

1340. ● AVAILABILITY OF DECISIONS AND INTERPRETIVE MATERIAL UNDER THE FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 28 USC 1746; 7 USC 2243

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to eliminate the requirement to maintain a public reading room at each district office. Since public use has been minimal, INS proposes to maintain a reading room only at its Central Office in Washington, DC.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4830
NPRM Comment Period End	03/02/89	
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: INS Number 1117-89

Agency Contact: Russell Powell, Chief, FOIA/PA Section, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-1722

RIN: 1115–AB36

1341. ● PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.2(c)(8)

Legal Deadline: None

Abstract: This regulation will impact Service Administration and public awareness concerning issues related to "Relationship by Adoption".

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1206-89

Agency Contact: Yolanda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-5014

RIN: 1115–AB37

1342. ● PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

Legal Authority: 8 USC 1103; 8 USC 1154; 8 CFR 2

CFR Citation: 8 CFR 204.2(c)(3); 8 CFR 204.2(c)(4); 8 CFR 204.2(c)(5)

Legal Deadline: None

Abstract: This rule will impact Service Administration and public awareness.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INS Number 1205-89

Agency Contact: Yolonda Sanchez-K., Senior Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536, 202 633-5014

RIN: 1115–AB38

DEPARTMENT OF JUSTICE (DOJ)

Completed Actions

Immigration and Naturalization Service (INS)

1343. POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

CFR Citation: 8 CFR 103.2(b)

Completed:

Reason	Date	FR Cite
Final Action	07/11/88	53 FR 26034
Final Action Effective	07/11/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Joanna London 202 633-3197

RIN: 1115–AA28

1344. APPLICANT PROCESSING FOR THE LEGALIZATION PROGRAM; CONFORMING AMENDMENTS

Significance: Regulatory Program

CFR Citation: 8 CFR 100; 8 CFR 103; 8 CFR 264; 8 CFR 299

Completed:

Reason	Date	FR Cite
Final Action	10/31/88	53 FR 43984
Final Action Effective	11/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Terrance O'Reilly 202 786-3658

RIN: 1115–AA39

1345. ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

Significance: Regulatory Program

CFR Citation: 8 CFR 245a

Completed:

Reason	Date	FR Cite
Final Action	10/31/88	53 FR 43986
Final Action Effective	11/30/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terrance O'Reilly 202 786-3658

RIN: 1115–AA52

1346. DISPLAY OF CONTROL NUMBERS

CFR Citation: 8 CFR 299.5

Completed:

Reason	Date	FR Cite
Final Action	08/31/88	53 FR 33443
Final Action Effective	08/31/88	53 FR 33443

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharon Andrade Hamann 202 633-3291

RIN: 1115–AA54

1347. DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

CFR Citation: 8 CFR 212.1(e)(3)

Completed:

Reason	Date	FR Cite
Cancelled	08/31/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Y. Peggy Wong 202 633-4033

RIN: 1115–AA59

1348. IMMIGRATION USER FEE, CONFORMING AMENDMENTS

Significance: Regulatory Program

CFR Citation: 8 CFR 232; 8 CFR 233; 8 CFR 235; 8 CFR 237; 8 CFR 238; 8 CFR 239; 8 CFR 271; 8 CFR 273; 8 CFR 280; 8 CFR 299

Completed:

Reason	Date	FR Cite
Final Action	01/04/89	54 FR 100
Final Action Effective	02/03/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles S. Thomason, Jr. 202 633-4705

RIN: 1115–AA81

1349. CONTRACTS WITH TRANSPORTATION LINES

CFR Citation: 8 CFR 238

Completed:

Reason	Date	FR Cite
Withdrawn at agency level no rule will be forthcoming	02/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Y. Peggy Wong 202 633-4033

RIN: 1115–AA88

1350. REVISION OF REGULATIONS REGARDING THE SEIZURE AND FORFEITURE OF CONVEYANCES

CFR Citation: 8 CFR 274

Completed:

Reason	Date	FR Cite
Final Action	10/26/88	53 FR 43192
Final Action Effective	10/26/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David Yost 202 633-2554

RIN: 1115–AA95

1351. DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

CFR Citation: 8 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	10/19/88	53 FR 40866
Final Action Effective	10/19/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Janice Podolny 202 633-5594

RIN: 1115–AB00

1352. SPECIAL AGRICULTURAL WORKERS

Significance: Agency Priority

CFR Citation: 8 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	01/31/89	54 FR 4756
Final Action Effective	01/31/89	54 FR 4756

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Aaron Bodin 202 786-3658

RIN: 1115–AB03

DOJ—INS

Completed Actions

1353. ● STATEMENT OF ORGANIZATION; PORTS OF ENTRY FOR ALIENS ARRIVING BY VESSEL OR LAND TRANSPORTATION

Legal Authority: 8 USC 1103; Immigration and Nationality Act, Sec 103

CFR Citation: 8 CFR 100

Legal Deadline: None

Abstract: This rule designates Dover, Delaware and Red Hook, St. Thomas, Virgin Islands as "Class A" ports of entry, and further identifies both facilities as ports of entry for all aliens. In addition, Coral Bay, St. John, Virgin Islands is designated as a "Class B" port of entry for aliens who at the time of applying for admission are lawfully in possession of valid alien registration receipt cards, or valid nonresident alien border crossing identification cards, or are admissible without documents under the documentation waivers contained in 8 CFR 212. With the increasing number of vessels arriving at these three locations, it is necessary that each be designated a port of entry, to be regularly staffed by inspectors of the United States Immigration and Naturalization Service.

Timetable:

Action	Date	FR Cite
Final Action	01/23/89	54 FR 2993
Final Action Effective	01/23/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1137-89

Agency Contact: Dwight Faulkner, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-3995

RIN: 1115–AB14

1354. ● VISA WAIVER PILOT PROGRAM; ADJACENT ISLANDS AND TRANSIT PASSENGERS

Legal Authority: 8 USC 1103; 8 USC 1187; 8 CFR 2

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: This rule amends, the current regulations on the Visa Waiver Pilot Program as provided at section 313 of the Immigration Reform and Control Act of 1986 (Public Law 99-603) to permit the temporary absence of aliens admitted under this program to travel to certain adjacent islands as well as to foreign contiguous territory within the 90-day period of admission. In addition, the rule is amended to authorize passengers who are in transit through the United States to avail themselves of the program, if otherwise eligible. The rule will enhance international travel, and would ease the administrative burden of carriers that are responsible for passengers in transit without visas.

Timetable:

Action	Date	FR Cite
Final Action	12/13/88	53 FR 50160
Final Action Effective	12/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1135-88

Agency Contact: Yanghe Peggy Wong, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-2745

RIN: 1115–AB20

1355. ● VISA WAIVER PILOT PROGRAM

Legal Authority: 8 USC 1187

CFR Citation: 8 CFR 217

Legal Deadline: None

Abstract: This rule adds Japan as a designated country under the Visa Waiver Pilot Program as provided at section 313 of the Immigration Reform and Control Act of 1986, PL 99-603. It will facilitate international travel, streamline and reduce the work of affected agencies, and ensure that vital national interests are protected.

Timetable:

Action	Date	FR Cite
Final Action	12/13/88	53 FR 50160
Final Action Effective	12/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1131-88

Agency Contact: Yanghe Peggy Wong, Assistant Chief Inspector, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-2745

RIN: 1115–AB21

1356. ● POWERS AND DUTIES OF SERVICE OFFICERS

Legal Authority: 5 USC 522(a); 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1301; 8 USC 1302; 8 USC 1303; 8 USC 1304; 8 USC 1305; 8 USC 1351; 8 USC 1443; 8 USC 1454; 8 USC 1455; 7 USC 2243; 28 USC 1746; ...

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule amends the job title of "detention officer" and "detention service officer" to "detention enforcement officer" to reflect the actual duties of this series.

Timetable:

Action	Date	FR Cite
Final Action	09/15/88	53 FR 35799
Final Action Effective	09/15/88	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INS Number 1123-88

Agency Contact: William Buddenberg, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, 202 633-4049

RIN: 1115–AB35

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Prerule Stage

1357. ● NOTIFICATION OF OBLIGATIONS OF AGENTS OF FOREIGN GOVERNMENTS UNDER 18 USC 951

Legal Authority: 18 USC 951; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 73

Legal Deadline: None

Abstract: The proposed regulations will provide guidance to agents of foreign governments who must notify the Attorney General of their agency status, and of the date, place, time, manner and content of the required notification. The regulations specify the custodian of these records in a manner calculated to assure timely notice to the Departments and Agencies most concerned.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	
ANPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Joseph E. Clarkson, Chief, Registration Unit, Internal Security Section, Department of Justice, Legal Activities, 1400 New York Avenue, NW, Room 9300, Washington, DC 20530, 202 786-4923

RIN: 1105–AA06

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Proposed Rule Stage

1358. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Legal Deadline: None

Abstract: The Equal Access to Justice Act was reauthorized on August 5, 1985. Various new amendments have been adopted which require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	
NPRM Comment Period End	07/15/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: Multiple

Analysis: Regulatory Impact Analysis

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Legal Activities, 633 Indiana Ave., NW, Room 1268, Washington, DC 20531, 202 724-7792

RIN: 1105–AA05

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Proposed Rule Stage

1359. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Legal Authority: 42 USC 3789(g), (c) and (d)

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, PL 98-473, and to clarify policy issues relating to time periods for validation of intelligence information.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	
NPRM Comment Period End	06/15/89	
Final Action	09/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Agency Contact: John Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Rm. 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121–AA12

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1360. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM GUIDELINES

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.301

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	04/15/89	
End Review	04/15/89	

Small Entities Affected: None

DOJ—OJP

Final Rule Stage

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121–AA10

1361. NONDISCRIMINATION IN FEDERAL ASSISTED PROGRAMS -- IMPLEMENTATION OF SECTION 809 (C) (1) OF THE JUSTICE ASSISTANCE ACT OF 1984

Legal Authority: 42 USC 3789d(c)

CFR Citation: 28 CFR 42.201

Legal Deadline: None

Abstract: To change Departmental nomenclature to comply with nomenclature changes in the Justice Assistance Act of 1984 and eliminate references to Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1977 which are not specifically applicable.

Timetable:

Action	Date	FR Cite
Final Action	04/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Winifred A. Dunton, Director, Office of Civil Rights Compliance, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1269, Washington, DC 20531, 202 724-7681

RIN: 1121–AA11

1362. CRIMINAL JUSTICE INFORMATION SYSTEMS

Legal Authority: 42 USC 3789g

CFR Citation: 28 CFR 20

Legal Deadline: None

Abstract: To change Office and Bureau nomenclature to comply with changes resulting from the Justice Assistance Act of 1984, PL 98-473 and State and Local Law Enforcement Assistance Act of 1986, PL 99-570 Subtitle K, and to delete obsolete terminology.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John J. Wilson, Associate General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Ave., NW, Room 1254-C, Washington, DC 20531, 202 724-7795

RIN: 1121–AA13

[FR Doc. 89-6179 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XII

Department of Labor

Semiannual Regulatory Agenda

DEPARTMENT OF LABOR (DOL)

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Ch. 60

48 CFR Ch. 29

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which has been selected for review or development during the coming one-year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1989 and April 1990.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, NW., Room S-2312, Washington, DC 20210, (202) 523-9058.

Note: Information pertaining to a specific regulation can be obtained from the Agency Contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one-year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining this publication of its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the Unified Agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1989.

Elizabeth Dole,

Secretary of Labor.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1363	Safety and Health Standards for Federal Supply Contracts (Walsh-Healey Standards)	1290-AA09

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1364	Production or Disclosure of Information or Materials	1290-AA08

DOL

Employment Standards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1365	Child Labor Regulations, Orders and Statements of Interpretation (ESA/W-H)	1215-AA09
1366	Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
1367	Wage Payments Under the Fair Labor Standards Act of 1938	1215-AA32
1368	Employment of Homeworkers in Certain Industries	1215-AA36

Employment Standards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1369	Government Contractors: Nondiscrimination and Affirmative Action Obligations (ESA/OFCCP)	1215-AA01
1370	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
1371	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33

Employment Standards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1372	Employment of Workers with Disabilities Under Special Certificates	1215-AA34
1373	Labor Standards for Foreign Agricultural Workers	1215-AA43
1374	Employee Polygraph Protection Act of 1988	1215-AA49

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1375	Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/WH)	1215-AA07
1376	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AA29
1377	Migrant and Seasonal Agricultural Worker Protection	1215-AA44

Employment and Training Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1378	Services to Migrant and Seasonal Farmworkers, Job Service Complaint System, Monitoring and Enforcement	1205-AA37
1379	Use of Funds Transferred to the States Under Section 903(c) of the Social Security Act (Reed Act)	1205-AA43

Employment and Training Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1380	Airline Deregulation: Employee Benefit Program	1205-AA07
1381	Job Corps Program Under Title IV-B of the Job Training Partnership Act	1205-AA54
1382	Labor Certification Process for Temporary Employment of Alien Workers in Agriculture: The H-2A Program	1205-AA59

DOL

Employment and Training Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1383	Advances to States and Repayment of Advances; Interest on Advances	1205-AA65
1384	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA66
1385	Administrative Procedure, Federal State Unemployment Compensation Program	1205-AA69
1386	State Agency Disclosure of Unemployment Insurance Wage and Claim Information to the Department of Housing and Urban Development and Public Housing Agencies	1205-AA74
1387	Title V of the Job Training Partnership Act Jobs for Employable Dependent Individuals Incentive (JEDI) Bonus Program	1205-AA75
1388	Job Opportunities and Basic Skills Training Program (JOBS)	1205-AA76

Employment and Training Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1389	Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: Adverse Effect Wage Rate Methodology	1205-AA25
1390	Senior Community Service Employment Program	1205-AA29
1391	Disaster Unemployment Assistance Program (DUA)	1205-AA50
1392	Job Training Partnership Act Audits	1205-AA53
1393	Economic Dislocation and Worker Adjustment Assistance Program	1205-AA67
1394	Trade Adjustment Assistance for Workers (OTCA)	1205-AA72
1395	Worker Adjustment and Retraining Notification (WARN) Act	1205-AA73

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1396	Unemployment Compensation for Ex-Servicemembers	1205-AA26
1397	Federal-State Unemployment Compensation Program: Income and Eligibility Verification System	1205-AA64

Pension and Welfare Benefits Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1398	Summary Annual Report	1210-AA00
1399	Individual Benefits Reporting and Recordkeeping for Multiemployer Plans	1210-AA02
1400	Individual Benefits Reporting and Recordkeeping for Single Employer Plans	1210-AA03
1401	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
1402	"Top Hat" Plans	1210-AA21
1403	Final Bonding Rules (FERSA and ERISA)	1210-AA31

Pension and Welfare Benefits Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1404	Participant Directed Individual Account Plans	1210-AA08
1405	Loans to Participants	1210-AA09
1406	Adequate Consideration	1210-AA15
1407	Proposed Regulation Exempting Certain Broker-Dealers and Investment Advisers From Bonding Requirements	1210-AA25

DOL

Pension and Welfare Benefits Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1408	Procedures for Filing and Processing Applications for Exemption from the Prohibited Transaction Provisions of ERISA, the Internal Revenue Code, and FERSA	1210-AA26
1409	Civil Penalties Under FERSA	1210-AA32
1410	Civil Penalty for Failure or Refusal to File Annual Report	1210-AA34

Pension and Welfare Benefits Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1411	Allocation of Fiduciary Responsibility (FERSA)	1210-AA30

Office of Labor Management Standards—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1412	Labor Organization Annual Financial Reports	1294-AA04

Mine Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1413	Diesel-Powered Equipment for Underground Coal Mines	1219-AA27

Mine Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1414	Pattern of Violations	1219-AA04
1415	Underground Coal Mine Electrical Standards	1219-AA10
1416	Review of Metal and Nonmetal Electrical Standards	1219-AA14
1417	Explosives and Blasting in Underground Coal Mines	1219-AA16
1418	Notification, Investigation, Reports and Records of Accidents Injuries, Illnesses, Employment, and Coal Production in Mines	1219-AA33
1419	Rules of Practice for Petitions for Modification of Mandatory Safety Standards	1219-AA45
1420	Hazard Communication	1219-AA47
1421	Air Quality Standards	1219-AA48
1422	Refuse Pile and Impoundment Inspection Records	1219-AA49
1423	Mine Rescue Equipment Test and Inspection Records	1219-AA50
1424	SCSR Inspection Records	1219-AA51
1425	Safety Standards for Berms and Guardrails at Metal and Nonmetal Mines	1219-AA56
1426	Approval of Electric Cables and Splice Kits	1219-AA57
1427	Safety Standards for Roof, Face and Rib Support	1219-AA58
1428	Approval of Intrinsically Safety Battery-Powered Devices	1219-AA59
1429	Approval of Explosion-proof Enclosures	1219-AA60
1430	Approval of Electric Motor Assemblies	1219-AA61
1431	Records of Fire Drills and Programs to Instruct and Train Miners in the Locations and Use of Firefighting Equipment (Underground Coal Mines)	1219-AA62

DOL

Mine Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1432	Underground Coal Mine Ventilation	1219-AA11
1433	Review of Metal and Nonmetal Explosives Standards	1219-AA17
1434	Metal and Nonmetal Radiation Standards	1219-AA28
1435	Approval Criteria for Respiratory Protective Devices	1219-AA30
1436	Certification and Qualification of Persons	1219-AA36
1437	Automatic Warning Devices for Mobile Equipment	1219-AA38
1438	Electric Mine Lamps Other Than Standard Cap Lamps	1219-AA40
1439	Multiple-Shot Blasting Units	1219-AA42
1440	Safety Standards for Methane in Metal/Nonmetal Mines; Conforming Amendments	1219-AA52

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1441	Explosives and Blasting in Underground Coal Mines	1219-AA16
1442	Approval Requirements for Explosives and Sheathed Explosive Units	1219-AA23
1443	Automatic Emergency-Parking Brakes on Rubber-Tired, Self-Propelled Electric Haulage Equipment in Underground Coal Mines	1219-AA39

Office of the Assistant Secretary for Administration and Management—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1444	Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02

Office of the Assistant Secretary for Administration and Management—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1445	Department of Labor Acquisition Regulation (DOLAR) (Revision)	1291-AA06
1446	Administrative Grants and Cooperative Agreements to Government and Nonprofit Institutions	1291-AA15
1447	DOL Adoption of Common Rule Implementing Drug-Free Workplace - Nonprocurement	1291-AA17

Occupational Safety and Health Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1448	Manual Lifting (Parts 1910, 1915, 1917, 1918, 1919, 1926 and 1928)	1218-AA95
1449	Medical Surveillance Programs for Employees	1218-AB00

DOL

Occupational Safety and Health Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1450	Carcinogen Policy	1218-AA01
1451	Respiratory Protection	1218-AA05
1452	Asbestos, Tremolite, Anthophyllite and Actinolite	1218-AA26
1453	Methods of Compliance	1218-AA28
1454	Oil and Gas Well Drilling and Servicing (Part 1910)	1218-AA34
1455	Benzene Exposure in Barge/Tanker Cleaning and Repair	1218-AA47
1456	Fall Protection Systems (Personal Protective Equipment) (Part 1910)	1218-AA48
1457	Confined Space (Part 1910)	1218-AA51
1458	Logging (Part 1910)	1218-AA52
1459	Safety and Health Regulations for Longshoring (Part 1918)	1218-AA56
1460	4,4'-Methylenedianiline	1218-AA58
1461	Electric Power Generation, Transmission and Distribution (Part 1910)	1218-AA59
1462	Pulp, Paper and Paperboard Mills (Part 1910)	1218-AA61
1463	Steel Erection (Part 1926)	1218-AA65
1464	Face, Head, Eye and Foot Protection (Personal Protective Equipment) (Part 1910)	1218-AA71
1465	Welding, Cutting and Brazing (Part 1910)	1218-AA72
1466	Formaldehyde	1218-AA82
1467	1,3-Butadiene	1218-AA83
1468	Glycol Ethers: 2-Methoxyethanol, 2-Ethoxyethanol and their Acetates	1218-AA84
1469	Gear Certification (Part 1919)	1218-AA97
1470	Methylene Chloride	1218-AA98
1471	Generic Standard for Exposure Monitoring	1218-AB01
1472	Walking and Working Surfaces (Part 1910)	1218-AB04
1473	Bloodborne Infectious Diseases	1218-AB15
1474	Cadmium	1218-AB16
1475	Hazardous Materials (Part 1910)	1218-AB20
1476	Shipyard Employment: Phase II (Part 1915)	1218-AB22
1477	Accreditation of Training Programs for Hazardous Waste Operations (Part 1910)	1218-AB27

Occupational Safety and Health Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1478	Occupational Exposures to Hazardous Chemicals in Laboratories	1218-AA00
1479	Ethylene Dibromide (EDB)	1218-AA06
1480	Concrete and Masonry Construction (Part 1926)	1218-AA20
1481	Electrical Safety-Related Work Practices (Part 1910)	1218-AA32
1482	Powered Platforms for Exterior Building Maintenance (Part 1910)	1218-AA33
1483	Excavations (Part 1926)	1218-AA36
1484	Fall Protection (Part 1926)	1218-AA37
1485	Underground Construction (Tunnels and Shafts)(Part 1926)	1218-AA38
1486	Scaffolds (Part 1926)	1218-AA40
1487	Control of Hazardous Energy Sources (Lockout/Tagout) (Part 1910)	1218-AA53
1488	Stairways and Ladders (Part 1926)	1218-AA57
1489	Fall Protection (Part 1915)	1218-AA66
1490	Scaffolds (Part 1915)	1218-AA68
1491	Access and Egress (Part 1915)	1218-AA70
1492	Welding, Cutting and Heating (Part 1915)	1218-AA73
1493	Personal Protective Equipment (Part 1915)	1218-AA74
1494	Explosive and Other Dangerous Atmospheres (Part 1915)	1218-AA91
1495	Hazard Communication	1218-AB02
1496	Lead (Reconsideration of the Feasibility of Compliance in Nine Industry Sectors)	1218-AB18

DOL

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1497	Hazardous Waste Operations and Emergency Response (Part 1910)	1218-AB13
1498	Permissible Exposure Limit Update	1218-AB17
1499	Hazardous Waste Training Course Certification (Part 1910)	1218-AB23

Office of the Assistant Secretary for Veteran's Employment & Training—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1500	Services for Veterans	1293-AA03

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Prerule Stage

1363. ● SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS (WALSH-HEALEY STANDARDS)

Legal Authority: 41 USC 35 et seq Walsh-Healey Act; 41 USC 351 et seq Service Contract Act; 29 USC 651 et seq Occupational Safety and Health Act; 30 USC 801 et seq Mine Safety and Health Act; 5 USC 553 Administrative Procedure Act; 20 USC 951 et seq

CFR Citation: 41 CFR 50 TO 204; 29 CFR 1910 to 1919; 29 CFR 1924; 29 CFR 1925; 30 CFR 1 to 199

Legal Deadline: None

Abstract: Part 50-204 of 41 CFR contains safety and health standards for Federal supply contracts under the Walsh-Healey Act. These standards, which also apply to Federal contracts for services under the Service Contract Act, were adopted in 1969, and were last revised in 1971. Many of the standards in Part 50-204 are duplicative of standards found in other Department of Labor regulations, primarily those issued under the Occupational Safety and Health Act (OSHA) in 29 CFR Parts 1910-1919, and the Mine Safety and Health Act (MSHA) in 30 CFR. In addition, other OSHA and MSHA standards have been revised and updated considerably since 1971, and these changes are not reflected in Part 50-204. Because employers covered by the Walsh-Healey and Service Contracts Acts are also covered by OSHA and MSHA, and thus are already required to comply with the OSHA and MSHA standards, as applicable, the Department of Labor is considering whether or not the Walsh-Healey standards should be revised by deleting redundant provisions and by substituting appropriate references (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: to the corresponding OSHA and MSHA standards. This would clarify that the safety and health standards applied to employers under Federal supply and service contracts are the same standards which apply to them under OSHA and MSHA, and that revisions or updates of OSHA and MSHA standards also apply under the Walsh-Healey and Service Contract Acts.

Agency Contact: Cynthia Attwood, Associate Solicitor, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room 4004, FP Building, Washington, DC 20210, 202 523-7723

RIN: 1290–AA09

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Final Rule Stage

1364. PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS

Significance: Agency Priority

Legal Authority: 5 USC 552, as amended; EO 12600

CFR Citation: 29 CFR 70, (Revision)

Legal Deadline: Final, Statutory, April 27, 1987.

Abstract: The document proposes regulations to implement the Freedom of Information Reform Act of 1986, which requires agencies to promulgate regulations on a schedule of fees and on fee waivers, and Executive Order 12600, which requires predisclosure

DOL—OS

Final Rule Stage

notification to submitters of confidential business information. The proposal also revises the existing DOL Freedom of Information Act (FOIA) regulations, which currently include interpretive material on FOIA exemptions, to limit the scope principally to procedural matters.

Timetable:

Action	Date	FR Cite
NPRM	02/23/88	53 FR 5346
NPRM Comment Period End	07/18/88	53 FR 22680
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N2428, Washington, DC 20210, **202 523-8201**

RIN: 1290–AA08

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Prerule Stage

1365. CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Legal Deadline: None

Abstract: Section 3(1) of the Fair Labor Standards Act requires the Secretary of Labor to issue regulations with respect to minors between 14 and 16 years of age ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being. The Secretary also is directed to designate occupations that may be particularly hazardous for minors between 16 and 18 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14 and 15 year olds may be employed. In addition, this regulation specifies the number of hours in a day and in a week, and time periods within a day that such minors may be employed. The nonagricultural hazardous occupations orders which prohibit the employment of minors in such occupations are also contained in 29 CFR 570. Changes in technology and job content over the years require a review of these regulations. In order to increase job opportunities for such minors, while maintaining essential protection for their well-being, modifications to these regulations may be needed. The Department has established a Child (cont)

Timetable:

Action	Date	FR Cite
Notice published--decision to establish Child Labor Advisory Committee	07/21/87	52 FR 27476
Notice published--announcing meetings of Committee on March 9-10, 1988	02/17/88	53 FR 4788
Notice published--announcing meetings on October 19-20, 1988	09/27/88	53 FR 37660
Develop timetable for action	05/00/89	
End Review	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Labor Advisory Committee to advise the Secretary on the effective administration of the child labor provisions of the FLSA. The recommendations of the committee will be given careful consideration in the review of these regulations. The committee convened on March 9-10, 1988, at which time subcommittees were established to review Hazardous Order (HO) No. 2 (Motor Vehicle Operations), HO No. 10 (Slaughtering and Meat Packing), HO No. 11 (Bakery Machines), and Child Labor Regulation No. 3. The following subcommittee meetings were held: HO No. 2 on July 26, 1988; HO No. 3 on June 20-21, and July 26, 1988; HO No. 10 on May 18-19, and August 31, 1988; HO No. 11 on February 8-9, 1989; and Child Labor Regulation No. 3 on June 20-21, 1988. The full committee reconvened on October 19-20, 1988. The Department is reviewing those recommendations made by the committee. The review of committee recommendations and the development of a timetable for appropriate action will be completed in May 1989.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215–AA09

1366. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Significance: Regulatory Program

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Legal Deadline: None

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 3010) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was

published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department concluded that a more comprehensive review of these regulations was needed and decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM was published on 11/19/85 and its comment period was (cont)

Timetable:

Action	Date	FR Cite
Indefinite Stay of Final Rule	02/12/81	46 FR 11972
Proposal to suspend rule indefinitely	03/27/81	46 FR 18998
Comments due on suspension proposal	04/28/81	46 FR 18998
ANPRM	11/19/85	50 FR 47696
Extension of ANPRM Comment Period from 01/2l/86 to 03/22/86	01/17/86	51 FR 2525
ANPRM Comment Period End	03/22/86	51 FR 2525
End Review	06/00/89	
NPRM	10/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT CONT: subsequently extended to 03/22/86. Action on this regulation was delayed due to other regulatory priorities. The Department intends to conclude its review of policy options in June 1989, and publish a proposed rule in October 1989.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA14

1367. ● WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Significance: Regulatory Program

Legal Authority: 29 USC 201 et seq

CFR Citation: 29 CFR 531

Legal Deadline: None

Abstract: These regulations contain the basic standards governing the application of section 3(m) of the Fair Labor Standards Act (FLSA). This section provides that, under certain conditions, the reasonable cost or fair value of furnishing employees with board, lodging, or other facilities may be applied towards meeting the Act's minimum wage and overtime requirements. Section 3(m) also provides that tips received by certain employees may be credited toward the payment of the statutory minimum wage (up to a maximum of 40 percent). The regulatory changes under consideration are needed to reflect amendments to the Act, current case law, and agency enforcement experience, since this rule was last revised in 1967 (32 FR 13575).

Timetable:

Action	Date	FR Cite
Begin Review	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3502, FP Building, Washington, DC 20210, **202 523-8305**

RIN: 1215–AA32

1368. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Significance: Regulatory Program

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Legal Deadline: None

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11(d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. The ban was removed on homework in the knitted outerwear industry by the Department on 11/9/81 following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed 2/29/84 by the U.S. Court of Appeals for the District of Columbia Circuit. On 3/27/84 the Department published a proposed rule rescinding the ban on homework in the knitted outerwear industry only. In addition to soliciting comments on the proposed recission, the Department sought comments on various alternatives to such action (49 FR 11786). On November 5, 1984, a final rule was published lifting the ban on homework for employers (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/21/86	51 FR 30036
NPRM Comment Period End	12/04/86	51 FR 37298
NPRM Second	03/30/88	53 FR 10342
NPRM Second -- Comment Period End	05/13/88	53 FR 15063
Final Rule	11/10/88	53 FR 45706
ANPRM	12/30/88	53 FR 53344
ANPRM Comment Period End	05/05/89	54 FR 11008

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: in the knitted outerwear industry who obtain a certificate from the Department. Based on analysis of the results of its enforcement experience under the new certification procedure, the Department is proposing to rescind the remaining restrictions in the other industries for employers who currently obtain certificates. A Notice of Proposed Rulemaking was published on August 21, 1986 (51 FR 30036). Based on the review of the comments and the Department's further examination of enforcement experience in knitted outerwear, a new proposal was published on March 30, 1988 (53 FR 10342) which included enforcement mechanisms to enhance compliance

among employers of homeworkers. The comment period was later extended to May 13, 1988 (53 FR 15063). The proposal also excluded the women's apparel industry and stated that this industry would be the subject of separate rulemaking. A final rule was published November 10, 1988 (53 FR 45706). An ANPRM concerning women's apparel homework was published December 30, 1988 (53 FR 53344). A notice of public hearings on this issue to be held in five cities during March 1989 was published on February 3, 1989.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, **202 523-8305**

RIN: 1215–AA36

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Proposed Rule Stage

1369. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS (ESA/OFCCP)

Significance: Regulatory Program

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: NPRM, Statutory, October 1, 1983.
Rules implementing Section 481 of the 1982 JTPA (29 USC 1781). The operational aspects of such rules need to be coordinated with the pending revisions to the Executive Order 11246 program

Abstract: These regulations cover nondiscrimination and affirmative action obligations of Federal contractors under Executive Order 11246, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 2012), as amended, and Section 503 of the Rehabilitation Act of 1973, as amended. An NPRM published 08/25/81 and supplemented on 04/23/82, extended the effective date of a final rule published 12/30/80 and proposed amendments to that rule. OFCCP's review of regulatory options continues, and includes consideration of proposed regulations to integrate the requirements of Section 481 of the Job Training Partnership Act of 1982 (29 U.S.C. 1781) with the Executive Order 11246 program.

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & Suspend Eff Date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM	09/00/89	
Final Action	03/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State

Agency Contact: Leonard J. Biermann, Acting Director, Office of Federal Contract Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3325, FPBldg., Washington, DC 20210, **202 523-9475**

RIN: 1215–AA01

1370. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Significance: Agency Priority

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Legal Deadline: None

Abstract: This proposal would, among other things, incorporate 1978 and 1980 statutory amendments to definitions applicable to Section 503 of the Rehabilitation Act and to the Veterans' programs. However, since 1981 there have been additional amendments to the Rehabilitation Act and to the Vietnam Era Veterans' Readjustment Assistance Act affecting definitions applicable under the respective programs. All such statutorily required changes to the definitions would be incorporated into the proposed regulatory action contemplated under RIN - 1215-AA01.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period End	03/02/81	45 FR 86205
NPRM Second	09/00/89	
Final Action	03/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leonard J. Biermann, Acting Director, Office of Federal Contract Compliance Programs, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm C3325, FPBldg., Washington, DC 20210, **202 523-9475**

RIN: 1215–AA02

1371. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Significance: Agency Priority

Legal Authority: 41 USC 38; 41 USC 40

CFR Citation: 41 CFR 50-201.101(a)

Legal Deadline: None

Abstract: This proposed rule would amend the Walsh-Healey Public Contracts Act regulations to provide an alternative regular dealer definition applicable to information systems integration businesses which bid on contracts to furnish the government fully operational information processing ("ADP") systems. The alternative definition would relieve potential contractors in this industry from having to physically maintain inventories from which sales are made, a custom that is inconsistent with this industry's practices.

DOL—ESA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA33

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Final Rule Stage

1372. EMPLOYMENT OF WORKERS WITH DISABILITIES UNDER SPECIAL CERTIFICATES

Significance: Regulatory Program

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 524; 29 CFR 525; 29 CFR 529

Legal Deadline: None

Abstract: These regulations establish the terms and conditions, pursuant to section 14(c) of the Fair Labor Standards Act (FLSA), under which handicapped workers may be employed, under certificate, at wage rates less than those otherwise required by statute. The 1986 Amendments to the FLSA substantially revised section 14(c) to simplify worker certification by eliminating separate certification for more productive workers, multiple handicapped individuals, and those in evaluation or training and work activities centers. Three affected regulations (29 CFR 524, 525 and 529) were combined into a single proposed new rule which was published for public comments on May 20, 1988. The comment period closed on July 19, 1988. On October 31, 1988, a notice was published in the Federal Register (53 FR 43899) reopening the comment period for 15 days.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18234
NPRM Comment Period End	07/19/88	53 FR 18234
Comment Period Reopened	10/31/88	53 FR 43899

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Paula V. Smith, Administator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, RM S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA34

1373. LABOR STANDARDS FOR FOREIGN AGRICULTURAL WORKERS

Significance: Regulatory Program

Legal Authority: PL 99-603

CFR Citation: 29 CFR 501

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 contains certain labor standards requirements for foreign agricultural workers employed under the H-2A foreign agricultural worker program, as well as for U.S. workers hired by employers who utilize foreign agricultural workers. The standards relate to pay, working conditions, housing, transportation and recruitment. The Employment Standards Administration issued an interim final rule on June 1, 1987 (53 FR 20524). It will issue an amended final rule that incorporates the labor standards issued by the Employment and Training Administration and sets forth procedures for enforcement of these labor standards. (Note: Final action on these regulations has been delayed while we acquire experience in enforcing the statutory requirements applicable to temporary foreign agricultural workers.)

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16795
NPRM Comment Period End	05/19/87	52 FR 16795
Interim Final Rule	06/01/87	52 FR 20524
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502. FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA43

1374. EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

Significance: Regulatory Program

Legal Authority: PL 100-347, Employee Polygraph Protection Act of 1988; 29 USC 2001 to 2009

CFR Citation: 29 CFR 801 (New)

Legal Deadline: Final, Statutory, September 25, 1988.

Abstract: The Employee Polygraph Protection Act of 1988 (EPPA) was enacted June 27, 1988 and takes effect December 27, 1988. EPPA prohibits most private employers from administering lie detector tests to employees or prospective employees but permits the use of polygraph tests, subject to certain safeguards, under specific circumstances. The Secretary of Labor is authorized to issue rules and regulations to implement EPPA and to enforce it, including authority to conduct investigations, assess civil money penalties for violations, and bring suit in U.S. District Courts to enjoin violations of the Act. An interim final rule was published October 21, 1988 (53 FR 41494), requesting comments by February 27, 1989. The interim final rule became effective on December 27, 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/88	53 FR 41494
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paula V. Smith, Administrator, Wage and Hour

DOL—ESA

Final Rule Stage

Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA49

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Completed Actions

1375. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/WH)

Significance: Regulatory Program

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 5 USC Appendix Reorganization Plan No. 14 of 1950; 29 USC 259

CFR Citation: 29 CFR 1; 29 CFR 5

Legal Deadline: None

Abstract: These regulations govern labor standards applicable to federally funded or assisted construction contracts subject to the Davis- Bacon and Related Acts (as well as contracts subject to the Contract Work Hours and Safety Standards Act). The revised regulations will permit contractors to expand their use of semi-skilled "helpers" on Davis-Bacon covered projects at wages lower than those paid to skilled journeymen. Revised final rules were originally published 05/28/82 (47 FR 23658), but were deferred on 07/26/82 (47 FR 32070) due to an injunction issued by the U.S. District Court. Although the U.S. Court of Appeals for the D.C. Circuit upheld most of the key provisions published in 1982, the district court enjoined certain provisions dealing with helpers. In accordance with decisions of the District and Appeals Courts, a revised proposal was published 80/19/87 (52 31366), and the comment period was later extended to 11/18/87 (52 FR 38473). A final rule was published 1/27/89 (54 FR 4234). The District Court has been asked to lift the injunction to permit the modified rule to be implemented.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31366
NPRM Comment Period End	11/18/87	52 FR 38473
Final Action Final Action Effective (see Additional Information)	01/27/89	54 FR 4234

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: After the injunction against implementation of some provisions of these regulations is lifted by the U.S. District Court for the District of Columbia, a notice will be published in the Federal Register providing an effective date 60 days thereafter.

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA07

1376. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Significance: Agency Priority

Legal Authority: 5 USC 8101 et seq.

CFR Citation: 20 CFR 10

Legal Deadline: None

Abstract: Certain provisions of Final Rules published April 1, 1987, were challenged as being promulgated in violation of the APA. Those sections dealt with collection of forfeited compensation from on-going benefits. In order to ensure that any doubt as to the procedural validity of the rules was laid to rest, the Department took two actions: 1) published an interim final rule which reinstated the affected sections without the language which had been challenged; and 2) published a proposed rule with an invitation to comment, which in effect would have reinstated the April 1, 1987 rule. The proposed rule was withdrawn on November 28, 1988 (53 FR 47829). Following its review of the comments received regarding the proposal, the Department decided that the existing rules are most consistent with the Federal Employees' Compensation Act (5 U.S.C. 8101, et seq.). By withdrawing the proposed rule, the interim final rule remains in effect.

Timetable:

Action	Date	FR Cite
NPRM	04/07/88	53 FR 11596
Interim Final Rule (Reinstating Affected Sections)	04/07/88	53 FR 11594
NPRM Comment Period End	06/06/88	
Withdrawn	11/28/88	53 FR 47829

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Markey, Associate Director for Federal Employees' Compensation, OWCP, Department of Labor, Employment Standards Administration, 200 Constitution Ave., NW, RM S3229 - FPBldg., Washington, DC 20210, 202 523-7552

RIN: 1215–AA29

1377. MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION

Significance: Agency Priority

Legal Authority: 29 USC 1801 to 1872; PL 99-603

CFR Citation: 29 CFR 500

Legal Deadline: Final, Statutory, June 1, 1987.

Abstract: The Immigration Reform and Control Act of 1986 amended the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) in a number of areas concerning the recruitment and employment of illegal aliens. Certain changes to the existing MSPA regulations are needed to conform them to the amended Act. These statutory changes became effective June 1, 1987. In addition, minor clarifying changes were made in certain definitions in the current regulations.

DOL—ESA **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16859
NPRM Comment Period End	06/05/87	52 FR 16859
Final Action	03/31/89	54 FR 13326
Final Action Effective	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Paula V. Smith, Administrator, Wage and Hour Division, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Rm S3502, FPBldg., Washington, DC 20210, 202 523-8305

RIN: 1215–AA44

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Prerule Stage

1378. SERVICES TO MIGRANT AND SEASONAL FARMWORKERS, JOB SERVICE COMPLAINT SYSTEM, MONITORING AND ENFORCEMENT

Legal Authority: 29 USC 49(k)

CFR Citation: 20 CFR 653; 20 CFR 658; 20 CFR 651

Legal Deadline: None

Abstract: ETA is reviewing services to migrant and seasonal farmworkers under the Wagner-Peyser Act as a result of amendments to Wagner-Peyser under Title V of the Job Training Partnership Act. It is anticipated that an ANPRM and subsequent rulemaking may result.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Ave., NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA37

1379. USE OF FUNDS TRANSFERRED TO THE STATES UNDER SECTION 903(C) OF THE SOCIAL SECURITY ACT (REED ACT)

Legal Authority: 26 USC 3304; 42 USC 1302; 42 USC 503; 42 USC 1103

CFR Citation: 20 CFR 601; 20 CFR 651; 20 CFR 652; 20 CFR 658; 41 CFR 29 to 70

Legal Deadline: None

Abstract: This regulation sets out Reed Act requirements for States. It covers: restoration of Reed Act funds used to pay unemployment benefits; appropriation by the States and use of funds for administration; and disposition, reduced usage, and replacement of Reed Act-financed property. The regulation implements P.L. 97-248 and updates existing material issued as manuals. Alternatives being considered include: (1) Issuing a regulation, another type of directive, or nothing; (2) Limiting the scope of the regulation to areas involving compliance with Federal law or not limiting scope; and (3) which rules, if any, should be issued regarding the calculation of Reed Act balances, restorations of Reed Act funds, program income, and sales, other dispositions, and reduced usage of property acquired with Reed Act funds. Issuing a regulation will benefit grantees by reducing their uncertainty as to the applicable rules. No significant additional costs will result.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	
ANPRM Comment Period End	05/00/89	
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Public Compliance Cost: Initial Cost: $5,000; Yearly Recurring Cost: $5,000; Base Year for Dollar Estimates: 1984

Sectors Affected: 94 Administration of Human Resource Programs

Agency Contact: David Henson, Chief, Division of Fiscal Policy, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C5317, FPBldg., Washington, DC 20210, 202 535-8762

RIN: 1205–AA43

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Proposed Rule Stage

1380. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Significance: Regulatory Program

Legal Authority: 49 USC 1552

CFR Citation: 20 CFR 618

Legal Deadline: None

Abstract: These regulations are being developed to implement the benefit provisions contained in Sec. 43 of the Airline Deregulation Act of 1978. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Department of Transportation determines that the principal causes of

such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. On July 16, 1985, the U.S. Court of Appeals decided that the employee protection provisions of Section 43 were severable from the legislative veto provisions. The U.S. Supreme Court ruled on March 25, 1987 that the legislative veto provisions were unconstitutional but the first right-to-hire provisions were constitutional, therefore, rulemaking can proceed on the (Cont'd)

Timetable:

Action	Date	FR Cite
NPRMPrevious	03/30/79	44 FR 19146
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: ABSTRACT (CONT'D): monetary benefit aspects of the employee protection provisions.

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205–AA07

1381. JOB CORPS PROGRAM UNDER TITLE IV-B OF THE JOB TRAINING PARTNERSHIP ACT

Legal Authority: 29 USC 1579

CFR Citation: 20 CFR 684

Legal Deadline: None

Abstract: The regulations will revise and streamline the existing rules for the Job Corps program. These changes will not create new cost nor materially change the existing program. The new rules will be in compliance with Title IV-B of the Job Training Partnership Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Peter E. Rell, Director, Office of Job Corps, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4508, FPBldg., Washington, DC 20210, 202 535-0550

RIN: 1205–AA54

1382. LABOR CERTIFICATION PROCESS FOR TEMPORARY EMPLOYMENT OF ALIEN WORKERS IN AGRICULTURE: THE H-2A PROGRAM

Significance: Regulatory Program

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a)

CFR Citation: 20 CFR 655

Legal Deadline: Other, Statutory, June 1, 1987.
IRCA required publication of interim final rule by June 1, 1987. This was accomplished.

Abstract: The regulation will implement the new H-2A program created by the Immigration Reform and Control Act of 1986 (IRCA). IRCA established H-2A as a new nonimmigrant subcategory for the admission of Foreign Temporary Agricultural Workers.

Timetable:

Action	Date	FR Cite
NPRM	05/05/87	52 FR 16770
NPRM Comment Period End	05/19/87	52 FR 16770
Interim Final Rule	06/01/87	52 FR 20496
NPRM Second	07/00/89	
Effective Date Second NPRM	07/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor Certification, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA59

1383. ADVANCES TO STATES AND REPAYMENT OF ADVANCES; INTEREST ON ADVANCES

Significance: Regulatory Program

Legal Authority: 42 USC 1321; 42 USC 1322

CFR Citation: 20 CFR 606

Legal Deadline: None

Abstract: Since 1981, the Congress has enacted major changes in the Federal Unemployment Tax Act (FUTA) and Social Security Act (SSA) with respect to advances to States for the payment of unemployment benefits and the repayment of such advances. A Notice of Proposed Rulemaking governing relief provisions only was published in the Federal Register on October 28, 1987. This proposed rule will address the accrual and repayment of interest associated with advances. States applying for advances will be given formal procedures and guidance to follow in the loan application and repayment process as well as the interest payment process. To date, UIPLs have been issued to SESAs describing the process.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	01/00/90	
Final Action	07/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: James H. Manning, Chief, Division of Actuarial Services, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room S4519, FPBldg., Washington, DC 20210, 202 535-0640

RIN: 1205–AA65

1384. LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Significance: Regulatory Program

Legal Authority: 8 USC 1182(a)(14)

DOL—ETA

Proposed Rule Stage

CFR Citation: 20 CFR 656

Legal Deadline: None

Abstract: Experience in administering the regulations relating to the certification of immigrant aliens for permanent employment in the United States indicates that a number of changes should be made to these regulations. The proposed amendments would be intended to make labor certification process more efficient, to prevent abuse or manipulation of the labor certification process, to clarify some apparent ambiguities in the regulations, and to make the regulations easier to read. Before the Department of State (DOS) and the Immigration and Naturalization Service (INS) may issue visas and admit certain immigrant aliens to work permanently in the United States, the Secretary of Labor pursuant to section 212(a)(14) of the Immigration and Naturalization Act (INA) must certify to the Secretary of State and to the Attorney General that: (a) There are not sufficient United States workers who are able, willing, qualified and available at the time of the application for a visa and admission into the United States and at the place where the alien is to perform work; and (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: (b) The employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers (8 USC 1182(a)(14). The Department of Labor (DOL) has promulgated regulations at 20 CFR Part 656 pursuant to and to implement section 212(a)(14) of the INA (8 USC 1182(a)(14). These regulations set forth the fact finding process designed to support the granting or denial of a permanent labor certification.

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor, Certification Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA66

1385. ADMINISTRATIVE PROCEDURE, FEDERAL STATE UNEMPLOYMENT COMPENSATION PROGRAM

Significance: Agency Priority

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 601; 29 CFR 96; 29 CFR 97; 29 CFR 98

Legal Deadline: None

Abstract: This proposed rule would replace outdated administrative regulations for the unemployment insurance (UI) program grants to States with reference to more current common administrative requirements for State governments codified elsewhere by the Department of Labor (DOL). Because of certain unique needs of the UI program, this action would also cover UI program exceptions to these requirements and clarifications of Employment and Training Administration (ETA) policy in applying requirements to State grantees. As a result, the proposed rule is expected to aid States in understanding and complying with the requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: The regulations proposed to be amended were last amended in 1977 and 1981, and since that time DOL has implemented changes in requirements for State governments which now need to be reflected in UI program regulations.

Agency Contact: Mary Ann Wyrsch, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4231, FPBldg., Washington, DC 20210, 202 523-7831

RIN: 1205–AA69

1386. ● STATE AGENCY DISCLOSURE OF UNEMPLOYMENT INSURANCE WAGE AND CLAIM INFORMATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND PUBLIC HOUSING AGENCIES

Significance: Regulatory Program

Legal Authority: 42 USC 503

CFR Citation: 20 CFR 603.2(d)(5)

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to make rules as required by Section 303(i)(1) of the Social Security Act regarding the disclosure of unemployment insurance wage and claim information by State agencies to the Department of Housing and Urban Development and public housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	06/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Barbara Ann Farmer, Director, Office of Program Management, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C4512, FPBldg., Washington, DC 20210, 202 535-0610

RIN: 1205–AA74

1387. ● TITLE V OF THE JOB TRAINING PARTNERSHIP ACT JOBS FOR EMPLOYABLE DEPENDENT INDIVIDUALS INCENTIVE (JEDI) BONUS PROGRAM

Significance: Regulatory Program

Legal Authority: Not Yet Determined

CFR Citation: 20 CFR 671

Legal Deadline: NPRM, Statutory, February 7, 1989. Final, Statutory, June 30, 1989.
The proposed regulations are to be published by February 7, 1989 and the final regulations in June 1989 as mandated by Section 510 (e) of Title V.

Abstract: These regulations will implement the above legislation as

mandated by Section 510(e) of Title V as amended.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert N. Colombo, Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA75

1388. ● JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM (JOBS)

Significance: Regulatory Program

Legal Authority: Family Support Act of 1988; PL 100-485

CFR Citation: 45 CFR 201 Subpart A

Legal Deadline: NPRM, Statutory, April 13, 1989. Final, Statutory, October 13, 1989.
The proposed regulations are to be published by April 13, 1989 and the final regulations in September 1989.

Abstract: The regulations will implement the above legislation enactment of the Family Support Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Robert N. Colombo, Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA76

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Final Rule Stage

1389. ● LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE IN THE UNITED STATES: ADVERSE EFFECT WAGE RATE METHODOLOGY

Significance: Regulatory Program

Legal Authority: 8 USC 1101 et seq

CFR Citation: 20 CFR 655

Legal Deadline: None

Abstract: As mandated by Immigration Reform and Control Act of 1986 (IRCA), DOL published a proposed rule on May 5, 1987 (52 FR 20496) and an interim final rule on June 1, 1987 (52 FR 16770), for administering the H-2A temporary alien agricultural labor certification program created by IRCA. Comments received on the proposed rule were considered by DOL in developing the interim final rule. An additional 60-day comment period led to additional comments. Subsequently, litigation relating to the wage provisions in the June 1 rule, particularly the methodology for establishing adverse effect wage rates (AEWRs) was filed against DOL. In December 1987 the U.S. Court of Appeals for the D.C. Circuit remanded the interim final rule to DOL for further explanation of the AEWR methodology. DOL is publishing a proposed rule explaining its intent to adopt the same methodology set forth in the June 1, 1987 rule, based upon an expanded record.

Timetable:

Action	Date	FR Cite
NPRM	10/28/88	53 FR 43722
NPRM Comment Period End	11/28/88	53 FR 43722
Final Action	05/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas M. Bruening, Chief, Division of Foreign Labor Certifications, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4456, FPBldg., Washington, DC 20210, 202 535-0163

RIN: 1205–AA25

1390. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 3056 et seq, Older Americans Community Svcs Employ Act

CFR Citation: 20 CFR 674

Legal Deadline: Final, Statutory, May 5, 1985.
PL 98-459, Section 205(c)

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Program. These changes will not create new cost nor materially change the existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29606
NPRM Comment Period End	08/27/85	50 FR 34725
Extension of Comment Period to 9/19/85	08/27/85	50 FR 34725
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Paul A. Mayrand, Director, Office of Special Targeted Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4641, FPBldg., Washington, DC 20210, 202 535-0500

RIN: 1205–AA29

1391. ● DISASTER UNEMPLOYMENT ASSISTANCE PROGRAM (DUA)

Significance: Regulatory Program

DOL—ETA

Final Rule Stage

Legal Authority: PL 100-207

CFR Citation: 20 CFR 625 (Revision)

Legal Deadline: Final, Statutory, May 21, 1989.

Abstract: Public Law 100-107 made substantial changes in the DUA programs. DUA will now be paid for up to 26 weeks after a major disaster is declared instead of up to 52 weeks. DUA will no longer be payable when an individual is eligible for State unemployment compensation or waiting period credit. An individual will now have up to 60 days to file an appeal of denial of a DUA claim and a Federal official must make a decision in 90 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	05/21/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: In addition to updating the current regulations for law changes, the anticipated changes will provide for more efficient operation of the problem.

Agency Contact: Lorenzo C. Roberts, Supervisory Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205–AA50

1392. JOB TRAINING PARTNERSHIP ACT AUDITS

Significance: Agency Priority

Legal Authority: Section 164 Job Training Partnership Act; Section 169 Job Training Partnership Act

CFR Citation: 20 CFR 629.42

Legal Deadline: None

Abstract: Governors are responsible for resolving audits of their JTPA subgrantees and subcontractors. Current ETA policy requires federal review and approval of these resolutions only in cases of fraud, gross mismanagement and abuse. More routine audit resolutions are only reviewed on a sample basis during onsite compliance reviews. However, a recent legal opinion stated that the JTPA regulations as presently written could be construed as requiring federal review and approval of all Governors' audit resolutions. The regulations may have to be amended in order to implement ETA's policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: None

Agency Contact: David O. Williams, Administrator, Office of Financial and Administrative Management, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm N4671, FPBldg., Washington, DC 20210, 202 535-0690

RIN: 1205–AA53

1393. ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE PROGRAM

Significance: Agency Priority

Legal Authority: 29 USC 1501

CFR Citation: 20 CFR 626; 20 CFR 627; 20 CFR 628; 20 CFR 629; 20 CFR 631

Legal Deadline: None

Abstract: The Economic Dislocation and Worker Adjustment Assistance Act (EDWAA) was enacted on August 23, 1988 to amend the Job Training Partnership Act (JTPA) by substituting a completely new Title III. Title III of JTPA establishes programs of training and employment assistance for dislocated workers. The new program incorporates several important changes. Among these changes are: (1) institutionalizing a State rapid response capability, (2) changing delivery system to mandate the designation of substate grantees, (3) focusing on better resource utilization through reallotment and reallocation provisions, (4) greater emphasis on training by incorporating new features such as certificates of continuing eligibility and needs related payments while in training. In addition, greater emphasis will be placed upon coordination and linkages among major training and employment program components such as the public employment service, the UI and TAA programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/24/88	53 FR 41572
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert N. Colombo, Director, Office of Employment Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FPBldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA67

1394. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS (OTCA)

Significance: Regulatory Program

Legal Authority: PL 100-418, The Omnibus Trade and Competitiveness Act of 1988; Part 3 – Trade Adjustment Assistance, of Subtitle D of Title I

CFR Citation: 20 CFR 617

Legal Deadline: None

Abstract: These regulations implement the Amendments to the trade adjustment assistance provisions of the Trade Act of 1974 in Pub. L. 100-418 by expanding the eligibility for TAA to workers in the oil and natural gas industry engaged in exploration and drilling; requiring a written notice to workers believed to be covered by a certification issued by the Department and the publication of a notice of certification in a newspaper of general circulation; making participation in training a condition for receiving trade readjustment allowances; authorizing the waiver of training for a worker when training is not feasible or appropriate; authorizing the payment of TRA to a worker during breaks in training that do not exceed 14 days; basing TAA benefits on the workers most recent separation rather than first qualifying separation as previously applied; extending the authorization of the TAA program to September 30, 1993; and, making other changes.

DOL—ETA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48474
NPRM Comment Period End	12/30/88	53 FR 48474
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn M. Zech, Deputy Director, Office of Trade Adjustment Assistance, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 6434, PHBldg., Washington, Dc 20213, 202 376-2646

RIN: 1205–AA72

1395. WORKER ADJUSTMENT AND RETRAINING NOTIFICATION (WARN) ACT

Significance: Regulatory Program

Legal Authority: 29 USC 2101

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On August 4, 1988, the Worker Adjustment and Retraining Notification (WARN) Act became law. These regulations will require certain employers to provide sixty days advance notice prior to mass layoffs or plant closings.

Timetable:

Action	Date	FR Cite
Interim Interpretative Rule	12/02/88	
NPRM	12/05/88	53 FR 49076
NPRM Comment Period End	02/03/89	53 FR 49076
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert N. Colombo, Director, Office of Employment and Training Programs, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Room N4469, FP Bldg., Washington, DC 20210, 202 535-0577

RIN: 1205–AA73

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Completed Actions

1396. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Significance: Regulatory Program

Legal Authority: 5 USC 8508; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Legal Deadline: None

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. The proposed regulations would implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46604
NPRM Comment Period End	01/08/88	52 FR 46604
Final Action	10/17/88	53 FR 40550
Final Action Effective	10/17/88	53 FR 40550

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lorenzo Roberts, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4514, FPBldg., Washington, DC 20210, 202 535-0309

RIN: 1205–AA26

1397. FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM: INCOME AND ELIGIBILITY VERIFICATION SYSTEM

Significance: Regulatory Program

Legal Authority: 42 USC 1302

CFR Citation: 20 CFR 603, (Revision)

Legal Deadline: None

Abstract: The Employment and Training Administration proposes to amend the regulations at 20 CFR 603, Income and Eligibility Verification System. The amendment will permit access to the State unemployment insurance information by the Federal Parent Locator Service for the purpose of child support enforcement.

Timetable:

Action	Date	FR Cite
NPRM	09/21/88	53 FR 34120
NPRM Comment Period End	10/03/88	
Memorandum of Understanding This issue will be taken up in a Memorandum of (Cont'd)	01/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: GOVERNMENT LEVELS AFFECTED: State and the Federal Parent Locator Service

TIMETABLE DESCRIPTION CONT: Understanding with the Social Security Administration

Agency Contact: Barbara Ann Farmer, Director, Office of Program Management, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 200 Constitution Avenue, NW, Rm C4512, FPBldg., Washington, DC 20210, 202 535-0610

RIN: 1205–AA64

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Proposed Rule Stage

1398. ● SUMMARY ANNUAL REPORT

Significance: Regulatory Program

Legal Authority: 29 USC 1024

CFR Citation: 29 CFR 2520

Legal Deadline: None

Abstract: This rule would revise current requirements with respect to the Summary Annual Report (SAR) to eliminate unnecessary paperwork, improve the effectiveness of its contents, and include important information not currently required to be part of the SAR.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Pension and Welfare Benefits Administration, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5669, FP Building, Washington, DC 20210, 202 523-7461

RIN: 1210–AA00

1399. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR MULTIEMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiemployer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/08/80	45 FR 52824
Notice of Public Hearing on Previous	11/12/80	45 FR 74727
NPRM	12/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Katherine Lewis, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-7901

RIN: 1210–AA02

1400. INDIVIDUAL BENEFITS REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Legal Deadline: None

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiemployer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
NPRM Previous	02/09/79	44 FR 8294
NPRM Previous	08/01/80	45 FR 51231
Notice of Public Hearing on Previous	11/12/80	45 FR 74728
NPRM	12/00/90	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Katherine Lewis, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Ave., NW, Rm N5669, FPBldg., Washington, DC 20210, 202 523-7901

RIN: 1210–AA03

1401. QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Legal Deadline: None

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of Section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby Hoover, Counsel for Regulations, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA19

1402. "TOP HAT" PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David L. Lurie, Employee Benefit Plan Specialist, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW,

Rm N5669, FP Building, Washington, DC 20210, 202 523-8671

RIN: 1210–AA21

1403. FINAL BONDING RULES (FERSA AND ERISA)

Significance: Regulatory Program

Legal Authority: 5 USC 8478

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, December 31, 1989.
Section 113 of the Federal Employees' Retirement System Technical Corrections Act of 1986 imposes a December 31, 1989 deadline for promulgating final bonding regulations under FERSA.

Abstract: FERSA Section 8478 requires the Secretary of Labor to promulgate regulations governing the bonding of fiduciaries and other persons who handle the funds or other property of the Thrift Savings Fund established under FERSA. The regulations set forth the required bonding procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/87	52 FR 35864
NPRM	08/00/89	
NPRM Comment Period End	10/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith B. Kahn, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5669, FP Building, Washington, DC 20210, 202 523-7901

RIN: 1210–AA31

DEPARTMENT OF LABOR (DOL)
Pension and Welfare Benefits Administration (PWBA)

Final Rule Stage

1404. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: The regulation would describe the kinds of participant directed individual account plans referred to in Section 404(c) of ERISA, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33508
NPRM Comment Period End	11/02/87	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby Hoover, Counsel for Regulations, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9590

RIN: 1210–AA08

1405. LOANS TO PARTICIPANTS

Significance: Regulatory Program

Legal Authority: 29 USC 1135; 29 USC 1108

CFR Citation: 29 CFR 2550

Legal Deadline: None

Abstract: This rule describes the circumstances under which the exemption in Section 408(b)(1) of ERISA from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	01/22/88	53 FR 1798
NPRM Comment Period End	03/22/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Rees, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9596

RIN: 1210–AA09

1406. ADEQUATE CONSIDERATION

Significance: Regulatory Program

Legal Authority: 29 USC 1002(3)(18); 29 USC 1135

CFR Citation: 29 CFR 2510

Legal Deadline: None

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under Section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17632
NPRM Comment Period End	07/18/88	
Final Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Daniel J. Maguire, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Ave., NW, Rm N4611, FPBldg., Washington, DC 20210, 202 523-9596

RIN: 1210–AA15

1407. PROPOSED REGULATION EXEMPTING CERTAIN BROKER-DEALERS AND INVESTMENT ADVISERS FROM BONDING REQUIREMENTS

Significance: Agency Priority

Legal Authority: 29 USC 1135; 29 USC 1112

CFR Citation: 29 CFR 2580

Legal Deadline: None

Abstract: The proposed regulation is intended to provide an exemption from the bonding requirements of Section 412

DOL—PWBA **Final Rule Stage**

(a) of ERISA for certain broker dealers and investment advisers who handle plan assets if the proposed regulation's alternative bonding requirements are met. If adopted, the regulation would permit broker-dealer and their investment adviser affiliates to substitute the fidelity bond required by the self-regulatory organizations of which they are members, subject to a minimum level of coverage, for the bond otherwise required by Section 412 of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31039
NPRM Comment Period End	05/18/88	53 FR 11886
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janet Laufer, Employee Benefit Plan Specialist, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Rm N5667 FP Building, Washington, DC 20210, **202 523-8671**

RIN: 1210–AA25

1408. PROCEDURES FOR FILING AND PROCESSING APPLICATIONS FOR EXEMPTION FROM THE PROHIBITED TRANSACTION PROVISIONS OF ERISA, THE INTERNAL REVENUE CODE, AND FERSA

Significance: Regulatory Program

Legal Authority: 29 USC 1108; 29 USC 1135; 5 USC 8477 (C) (3)

CFR Citation: 29 CFR 2570

Legal Deadline: None

Abstract: This regulation describes the procedures for filing and processing applications for exemptions from the prohibited transaction provisions of ERISA of 1974 and IRC and FERSA of 1986. The proposed regulation updates the description of the Department's procedures to reflect changes in the Department of Labor's exemption authority and to clarify the procedures by providing a more detailed description of the prohibited transaction exemption process.

Timetable:

Action	Date	FR Cite
NPRM	06/28/88	53 FR 24422
NPRM Comment Period End	08/29/88	
Interim Final Rule	12/29/88	53 FR 52688
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda N. Winter, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Rm N4611, FP Building, Washington, DC 20210, **202 523-9596**

RIN: 1210–AA26

1409. CIVIL PENALTIES UNDER FERSA

Significance: Regulatory Program

Legal Authority: 5 USC 8477(e)(1)(B)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Section 8477(e)(1)(B) of the Federal Employees' Retirement System Act of 1986 (FERSA) authorizes the Secretary of Labor to assess civil penalties against parties in interest who engage in prohibited transactions with the Thrift Savings Fund (Fund) established under FERSA. The regulations will govern the procedures for imposing sanctions and enable the Department to penalize persons who violate the prohibited transaction rules with respect to assets of the Fund.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37486
NPRM Comment Period End	11/25/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan Rees, Staff Attorney, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N4611, FP Building, Washington, DC 20210, **202 523-9141**

RIN: 1210–AA32

1410. CIVIL PENALTY FOR FAILURE OR REFUSAL TO FILE ANNUAL REPORT

Significance: Regulatory Program

Legal Authority: PL 100-203, Sec 9342(c)

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, January 1, 1989.
Section 9342(d) of OBRA 1987 specifically directs the Secretary to issue not later than January 1, 1989, the regulations required to implement this provision.

Abstract: Section 502(c) of the Employee Retirement Income Security Act of 1974 (ERISA) was amended by Section 9342(c) of the Omnibus Budget Reconciliation Act of 1987 (OBRA 1987) to authorize the Secretary of Labor to assess a civil penalty of up to $1,000 a day from the date of a plan administrator's failure or refusal to file the complete annual report required to be filed with the Secretary under section 101(b)(4) of ERISA. This regulation would carry out the requirement of OBRA 1987 that the Secretary promulgate regulations implementing the new civil penalty provision relating to a plan administrator's failure or refusal to file a complete annual report.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40674
NPRM Comment Period End	11/17/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert J. Doyle, Director of Regulations and Interpretations, Department of Labor, Pension and Welfare Benefits Administration, 200 Constitution Avenue, NW, Room N5669, FP Building, Washington, DC 20210, **202 523-7461**

RIN: 1210–AA34

DEPARTMENT OF LABOR (DOL)

Pension and Welfare Benefits Administration (PWBA)

Completed Actions

1411. ALLOCATION OF FIDUCIARY RESPONSIBILITY (FERSA)

Significance: Regulatory Program

Legal Authority: 5 USC 8477(e)(1)(E)

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory, December 31, 1988.
Section 114 of the Federal Employees' Retirement System Technical Corrections Act of 1986 imposes a December 31, 1988 deadline for promulgating these regulations.

Abstract: Section 8477(e)(1)(E) of the Federal Employees' Retirement System Act of 1986 (FERSA) requires the Secretary of Labor to prescribe in regulations procedures for allocating fiduciary responsibilities among fiduciaries, including investment managers, with respect to the Thrift Savings Fund (Fund) established under FERSA. This regulation would carry out the requirement of FERSA that the Secretary promulgate regulations prescribing procedures for allocating fiduciary responsibility with respect to the Thrift Savings Fund.

Timetable:

Action	Date	FR Cite
NPRM	07/22/88	53 FR 27704
NPRM Comment Period End	08/21/88	
Final Action	12/29/88	53 FR 52684
Final Action Effective	12/29/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Shelby Hoover, Counsel for Regulation, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N4611, FP Building, Washington, DC 20210, 202 523-9590

RIN: 1210–AA30

DEPARTMENT OF LABOR (DOL)

Office of Labor Management Standards (OLMS)

Proposed Rule Stage

1412. LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

Legal Authority: 29 USC 431; 29 USC 438; 29 USC 461

CFR Citation: 29 CFR 403

Legal Deadline: None

Abstract: This proposed regulation would implement a new labor organization annual report form to replace Labor Organization Annual Report forms LM-2 and LM-3, which are incorporated in the Department's regulations at 29 CFR 403.3 and 403.4(a). It would also replace Form LM-1A, entitled "Report of Current Status: Labor Organization Information Supplement," which is incorporated in the regulations at 29 CFR 402.4(a).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kay H. Oshel, Chief, Division of Interpretations and Standards, Department of Labor, Office of Labor Management Standards, 200 Constitution Avenue, NW, Room N5613, FPBldg., Washington, DC 20210, 202 523-7373

RIN: 1294–AA04

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Prerule Stage

1413. DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811; 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 36; 30 CFR 31; 30 CFR 32

Legal Deadline: NPRM, Statutory. Under the Mine act, the advisory committee must submit recommendations within 180 days of convening.

Abstract: MSHA has established a mining equipment approval program, including evaluation criteria, and corresponding safety standards requiring the use of certain equipment. Existing approval regulations do not generally apply to the diesel equipment now being used in underground coal mines. An Advisory Committee convened in January 1988 to make recommendations concerning what standards and regulations would be appropriate for coal mines. The Advisory Committee made recommendations to the Assistant Secretary for MSHA, to write proposed regulations for approval of equipment in July 1988.

Timetable:

Action	Date	FR Cite
Establishment of Advisory Committee	10/06/87	52 FR 37381
Notice of Appointment of Committee Members and Notice of First Meeting	01/05/88	53 FR 00189
Committee Delivered Recommendations	07/27/88	
ANPRM	06/00/89	
NPRM	06/00/89	
Final Action	01/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health

DOL—MSHA **Prerule Stage**

Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA27

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Proposed Rule Stage

1414. PATTERN OF VIOLATIONS

Significance: Regulatory Program

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Legal Deadline: None

Abstract: This rulemaking would implement section 104(e) of the Federal Mine Safety and Health Act of 1977 which addresses mines with a pattern of repeated, significant and substantial violations. In 1985 MSHA issued an ANPRM which outlined new procedures for implementing the statutory provision for pattern of violations. The Agency reviewed comments and has been working to develop both appropriate criteria and a meaningful procedure for identifying operators who are potential pattern violators. The costs of the regulations would primarily bear upon individual mine operators receiving issuances notices. Any costs that the mine operator would incur to comply with other Federal standards would be attributed to those standards.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/85	50 FR 5470
Withdrawal of 1980 NPRM	02/08/85	50 FR 5470
Extension of Comment Period to 5/10/85	04/05/85	50 FR 13617
ANPRM Comment Period End	04/09/85	50 FR 5470
NPRM	04/00/89	
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA04

1415. UNDERGROUND COAL MINE ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Legal Deadline: None

Abstract: Existing electrical standards for underground coal mines would be substantially reorganized, clarified, and updated. General incorporations by reference of the National Electric Code would be eliminated and replaced with specific standards applicable to underground coal mining operations. The Agency is in the process of developing a proposed rule that addresses the wide range of issues raised by commenters on the Agency's 1986 ANPRM.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/23/86	51 FR 18899
Comment Period Extended to 8/15/86	07/03/86	51 FR 24387
ANPRM Comment Period End	07/22/86	51 FR 18899
NPRM	06/00/89	
Final Action	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA10

1416. REVIEW OF METAL AND NONMETAL ELECTRICAL STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.12000; 30 CFR 57.12000

Legal Deadline: None

Abstract: The electrical standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. General incorporations by reference of the National Electric Code would be eliminated and replaced with standards applicable to metal and nonmetal mining and mills. These standards would also be substantially clarified, updated, and realigned into func- tional categories, and would include technological advances in electrical systems.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period End	07/19/83	
NPRM	06/00/89	
Final Action	12/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA14

1417. ● EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None

Abstract: On November 18, 1988, the Mine Safety and Health Administration (MSHA) published a final rule (53 FR 46768) to revise its safety standards for explosives and blasting in underground coal mines. Prior to the effective date, MSHA stayed provision 75.1325(b) which restricts blasting to only one face in a working place to allow further

review of single versus multiple face blasting. MSHA proposes to revise this and other provisions, as appropriate, allowing for further public comment.

Timetable:

Action	Date	FR Cite
Stay of Final Rule Provision	01/13/89	54 FR 1360
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA16

1418. NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS INJURIES, ILLNESSES, EMPLOYMENT, AND COAL PRODUCTION IN MINES

Significance: Regulatory Program

Legal Authority: 30 USC 957; 30 USC 813(d)

CFR Citation: 30 CFR 50

Legal Deadline: NPRM, Statutory. This regulatory requirement is a Federal statutory provision. It implements Sections 103(d)(h) and (j) of the Mine Act.

Abstract: In response to concerns raised by members of Congress and the mining community about the nature and accuracy of existing reporting obligations, MSHA established an intra-agency task force to review its requirements for reports of accidents, injuries and illnesses in coal and metal and nonmetal mines. The Agency focused on several aspects of the reporting requirements including the definition of an occupational injury or illness, and an expanded audit program. The Agency has determined that the existing regulations in Part 50 should be clarified and improved through the rulemaking process. MSHA will clarify the definitions of reportable injuries and illnesses and solicit suggestions from the public in this effort.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/85	
Task Force Report Completed	03/03/86	
ANPRM	11/14/88	53 FR 45878
Extension of Comment Period until 02/17/89	12/29/88	53 FR 52727
ANPRM Comment Period End	01/13/89	
NPRM	10/00/89	
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA33

1419. RULES OF PRACTICE FOR PETITIONS FOR MODIFICATION OF MANDATORY SAFETY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 44

Legal Deadline: None

Abstract: On July 10, 1987, the United States Court of Appeals for the District of Columbia invalidated the Agency's existing interim relief regulation based in part, on procedural defects, holding that it was contrary to Congressional intent. (INT. UNION v. MSHA, 823 F. 2d 608 (D.C. Cir. 1987)). Therefore, MSHA has issued a proposal addressing interim relief in situations where enforcement of a mandatory standard would result in a diminution of safety to affected miners or in emergency situations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standard, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA45

1420. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR Not yet determined

Legal Deadline: None

Abstract: The primary purpose of this action is to provide miners with the means to receive necessary information on the hazards of chemical to which they are exposed and the action necessary to protect their safety and health. MSHA is reviewing OSHA's hazard communication standard and is also reviewing information collected by NIOSH.

Timetable:

Action	Date	FR Cite
ANPRM	03/30/88	53 FR 10257
ANPRM Comment Period End	07/31/88	
NPRM	10/00/89	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Hearings will be held in October 1989.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Room 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA47

1421. AIR QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55; 30 CFR 56; 30 CFR 70; 30 CFR 71

Legal Deadline: None

Abstract: The agency is developing a NPRM which incorporates permissible exposure limits which are applicable to the hazards encountered in metal and nonmetal mines and exposure limits for most noxious and poisonous gases in

underground coal mines. The proposal would solicit comment on which means of control would provide the necessary protection from airborne contaminants. Standards for use of respiratory protective equipment would replace an outdated incorporation by reference. The proposal would also update asbestos standards. Other issues being considered are: requirements for exposure monitoring and precautions for handling restricted-use chemicals; notification of workers of overexposures; and access to exposure limits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This regulation combines 1219-AA21, 1219-AA41, and 1219-AA46.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA48

1422. REFUSE PILE AND IMPOUNDMENT INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.215

Legal Deadline: None

Abstract: This rulemaking would address whether recordkeeping burdens could be reduced in 30 CFR Part 77 standards which address refuse piles and impoundments structures. In addition the proposal would address abandonment procedures for impoundment structures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA49

1423. MINE RESCUE EQUIPMENT TEST AND INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 49

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 49.6(b) which requires records of monthly inspections and tests of mine rescue apparatus and equipment to be kept for one year.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA50

1424. SCSR INSPECTION RECORDS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714-3

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping burdens could be reduced in 30 CFR 75.1714-3 which requires records of quarterly inspections and tests of self-contained self-rescue devices.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA51

1425. ● SAFETY STANDARDS FOR BERMS AND GUARDRAILS AT METAL AND NONMETAL MINES

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56; 30 CFR 57

Legal Deadline: None

Abstract: On August 25, 1988 the Mine Safety and Health Administration (MSHA) amended its standard addressing the use of berms and guardrails on elevated roadways at metal and nonmetal mines. However, MSHA stayed the provision which allows an alternative to the use of berms or guardrails on elevated roadways for infrequently traveled roadways used by service or maintenance vehicles. This rulemaking will be limited to addressing which safety requirements are necessary for such limited use roadways when berms or guardrails are not used.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA56

1426. ● APPROVAL OF ELECTRIC CABLES AND SPLICE KITS

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of electric cables and incorporate a new requirement for the approval of cable splice kits as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and

approval. MSHA's review will update the existing approval criteria, establish minimum standards for the material used to repair cables, and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA57

1427. ● SAFETY STANDARDS FOR ROOF, FACE AND RIB SUPPORT

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.206(a)

Legal Deadline: None

Abstract: On January 27, 1988 (53 FR 2354), MSHA published final rules revising its safety standards for roof, face, and rib support in underground coal mines. The Agency is proposing to revise Section 75.206(a) of these standards to exempt anthracite mines from entry width and roadway support requirements when conventional roof support is used. The requirement would remain in effect, however, for bituminous coal mines.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA58

1428. ● APPROVAL OF INTRINSICALLY SAFETY BATTERY-POWERED DEVICES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of intrinsically safe battery-powered devices as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Wilvey, Director, Office of Standards, Mine Safety and Health Administration, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA59

1429. ● APPROVAL OF EXPLOSION-PROOF ENCLOSURES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of explosion-proof enclosures as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Mine Safety and Health Administration, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA60

1430. ● APPROVAL OF ELECTRIC MOTOR ASSEMBLIES

Significance: Agency Priority

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 18; 30 CFR 7

Legal Deadline: None

Abstract: MSHA proposes to revise existing Part 18 specifications and test requirements for the approval of electric motor assemblies as a subpart to 30 CFR Part 7. Under Part 7, testing would be done by the applicant or a third party, subject to agency requirements and approval. MSHA's review will update the existing approval criteria and allow the introduction of new technology, where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Mine Safety and Health Administration, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA61

1431. ● RECORDS OF FIRE DRILLS AND PROGRAMS TO INSTRUCT AND TRAIN MINERS IN THE LOCATIONS AND USE OF FIREFIGHTING EQUIPMENT (UNDERGROUND COAL MINES)

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1101-23

Legal Deadline: None

Abstract: This rulemaking would examine whether recordkeeping could be reduced in 30 CFR 75.1101-23(c)(1) which requires records of the participation of coal miners in quarterly fire drills. Currently, the records must include the number of persons participating, the area of the mine involved, the procedures followed and the equipment used.

DOL—MSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	08/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 631, BT#3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA62

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Final Rule Stage

1432. UNDERGROUND COAL MINE VENTILATION

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Legal Deadline: None

Abstract: The Agency published a proposed rule concerning ventilation in underground mines which included provisions for the introduction of new technology for systematic monitoring of explosive methane gas, as well as gases that may indicate a mine fire. Other important issues include ventilation of worked-out areas: timeframes for tests for methane; and using intake air that has been used to ventilate a belt conveyor entry. The existing escapeway standards contained in 30 CFR Part 75.1704 (previously RIN: 1219-AA37) are incorporated into the proposal.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	11/19/85	50 FR 47702
Extension of ANPRM Comment Period to 4/4/86	02/14/86	51 FR 5546
ANPRM Comment Period End	02/18/86	
NPRM	01/27/88	53 FR 2382
NPRM Comment Period End	08/19/88	53 FR 26449
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Public hearings were held during June 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA11

1433. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.6000; 30 CFR 57.6000

Legal Deadline: None

Abstract: The explosives standards are part of the overall review of regulations dealing with metal and nonmetal mines and mills. These standards would be clarified and updated consistent with technological advances, such as gaseous initiation systems, miniaturized detonating cord systems and the use of bulk mixing of explosives materials.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
Extension of ANPRM Comment Period to 11/16/84	09/25/84	49 FR 37640
ANPRM Comment Period End	10/19/84	
NPRM	11/10/88	53 FR 45487
Extension of NPRM Comment Period to 02/10/89	12/05/88	53 FR 48934
NPRM Comment Period End	01/09/89	
Final Action	01/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA17

1434. METAL AND NONMETAL RADIATION STANDARDS

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.5037 to 57.5047

Legal Deadline: None

Abstract: MSHA is reviewing its radiation standards for underground metal and nonmetal mines and has identified certain issues with respect to regulatory action. The Agency published a proposal in December 1986 revising its existing ionizing radiation standards. Public hearings were held in August 1987.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/85	50 FR 47700
ANPRM Comment Period End	02/18/86	
NPRM	12/19/86	51 FR 45678
NPRM Comment Period End	02/16/87	51 FR 45678
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA28

1435. APPROVAL CRITERIA FOR RESPIRATORY PROTECTIVE DEVICES

Legal Authority: 30 USC 957

DOL—MSHA

Final Rule Stage

CFR Citation: 30 CFR 11

Legal Deadline: None

Abstract: Under the 1977 Mine Act, MSHA and the National Institute for Occupational Safety and Health (NIOSH) jointly approve respirators for use in hazardous atmospheres. New technology has been developed which has not been accommodated by the existing regulations. In addition, questions have been raised about laboratory testing and field performance of respirators. The decision has been made for NIOSH to have the lead in approval of respirators. MSHA will be involved with the devices which are uniquely adapted or required for mining. A proposed rule to remove MSHA's regulations upon completion of a concurrent NIOSH rulemaking was published in August 1987. However, further rulemaking is contingent upon NIOSH's timetables.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32313
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Completion of MSHA's final rule is contingent upon NIOSH's completion of parallel rulemaking.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va 22203, 703 235-1910

RIN: 1219–AA30

1436. CERTIFICATION AND QUALIFICATION OF PERSONS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.100; 30 CFR 75.150; 30 CFR 77.100; 30 CFR 77.105

Legal Deadline: None

Abstract: Certain MSHA regulations require persons working in coal mines to be qualified or certified to perform certain tasks, for example, testing for methane and making ventilation examinations. The existing rule requires operators to submit certification and qualification applications to MSHA every six months for recertification. The proposal eliminates the six-month limitation, permitting persons to remain certified or qualified for as long as they continue to satisfy the substantive requirements and remain employed at the same coal mine or independent contractor.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12250
NPRM Comment Period End	07/15/88	
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA36

1437. AUTOMATIC WARNING DEVICES FOR MOBILE EQUIPMENT

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 77.410

Legal Deadline: None

Abstract: MSHA's existing standard requires mobile equipment to be equipped with devices which automatically sound an alarm when the equipment is put in reverse. MSHA is considering revising the standard to exclude pickup trucks if the driver has an unobstructed rear view. The Agency is also considering allowing alternatives to automatic warning devices.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12253
NPRM Comment Period End	07/15/88	
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: A hearing was held in Pittsburgh, Pennsylvania on August 30, 1988.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA38

1438. ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 20

Legal Deadline: None

Abstract: Under existing standards MSHA is limited to investigating and approving lamps which meet the design, construction and test requirements specifically set forth in 30 CFR 20. As a result, the Agency is restricted from approving lamps that incorporate alternative technology. The proposal would amend Part 20 to enable the Agency to issue approvals for lamps which, after testing, are found to be safe for their intended use and provide, at a minimum, the same degree of protection as lamps currently approved under the existing standards.

Timetable:

Action	Date	FR Cite
NPRM	04/13/88	53 FR 12250
NPRM Comment Period End	07/15/88	
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA40

1439. MULTIPLE-SHOT BLASTING UNITS

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 25

Legal Deadline: None

Abstract: The requirements for approval of blasting units are part of the overall coal review to update standards. The revision of existing Part 25 specifications was proposed as Subpart D to Part 7. Under this concept testing would be done by the applicant or a third party, subject to Agency requirements and approval.

DOL—MSHA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	49 FR 23281
NPRM	06/22/88	53 FR 23506
NPRM Comment Period End	08/22/88	
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The review of 30 CFR 25 was originally listed in the Agenda in 1984. In the October 1985 Agenda, MSHA consolidated the Review of Part 25 under 1219-AA16. A proposal was published June 22, 1988 which revises 30 CFR 25 and combines it as a subpart of 30 CFR 7.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA42

1440. SAFETY STANDARDS FOR METHANE IN METAL/NONMETAL MINES; CONFORMING AMENDMENTS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57

Legal Deadline: None

Abstract: Existing standards address the use of brattice cloth and ventilation tubing in underground metal/nonmetal mines with a history of, or potential for, methane liberation. These conforming amendments would replace a requirement that such materials have a flame spread rating of 25 or less with a requirement that brattice cloth and to ventilation tubing be approved by MSHA under 30 CFR Part 7.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48934
NPRM Comment Period End	02/03/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 631, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA52

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA)

Completed Actions

1441. EXPLOSIVES AND BLASTING IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Legal Deadline: None

Abstract: The existing standards governing the use of explosives in underground coal mines are outdated and incomplete. MSHA's final rule substantially reorganizes, clarifies and updates these requirements. In addition, the rule recognizes new explosives technology and permits future changes in technology with assurances for a safe mining environment.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	49 FR 19601
NPRM	05/09/86	51 FR 17284
NPRM Comment Period End	07/08/86	51 FR 17284
Final Action	11/18/88	53 FR 46768
Final Action Effective	01/17/89	53 FR 46768

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: Public hearings were held in November 1986. See also RIN 1219-AA23 for abstract and timetables of related rulemaking to revise approval specifications for explosives. A supplemental public hearing was held 4/22/87 in Bruceton, PA in conjunction with public hearings on 30 CFR Part 15.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219–AA16

1442. APPROVAL REQUIREMENTS FOR EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS

Significance: Agency Priority

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15

Legal Deadline: None

Abstract: The requirements for approval of explosives are part of the overall coal review of high priority standards. The final rule updates and clarifies existing specifications and tests, and recognizes new provisions in the development of sheathed explosive units. Public hearings on proposed Part 15 were held during April 1987.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period End	08/10/84	
NPRM	11/12/86	51 FR 41046
NPRM Comment Period End	01/12/87	51 FR 41046
Final Action	11/18/88	53 FR 46739
Final Action Effective	01/17/89	53 FR 46739

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Those manufacturers's proceeding under the provisions of the previous rule may file requests for approval or extension of approval of approval of explosives under that rule until November 20, 1989 (53 FR 46739).

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard,

DOL—MSHA **Completed Actions**

Rm 627, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA23

1443. AUTOMATIC EMERGENCY-PARKING BRAKES ON RUBBER-TIRED, SELF-PROPELLED ELECTRIC HAULAGE EQUIPMENT IN UNDERGROUND COAL MINES

Significance: Regulatory Program

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.523-3

Legal Deadline: None

Abstract: In 1973, the Agency issued installation and performance requirements for automatic emergency brakes on rubber-tired, self-propelled electric face equipment for underground coal mines. However, there was not sufficient technical data to develop criteria for evaluating the designs of these braking systems. On July 30, 1974, the effective dates for compliance with 30 CFR 75.523-3 were suspended indefinitely. The Mine Safety and Health (MSHA) published a final rule to require automatic emergency-parking brakes on rubber-tired, self- propelled electric haulage equipment used in underground coal mines. This final rule also sets minimum performance standards for parking brakes required by 30 CFR 18 on other rubber-tired, self-propelled electric face equipment. This rule, replacing a suspended standard for automatic emerging parking brakes at 30 CFR 75.523-3, sets forth compliance schedule for installation and retrofitting of such brakes on designated equipment. MSHA expects that the final rule will enhance miner safety in under- ground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	53 FR 6512
NPRM Comment Period End	05/02/88	53 FR 6512
Notice of Public Hearing	07/12/88	53 FR 22502
Comment Period-Post Hearing	07/29/88	53 FR 22502
Extended Comment Period	08/29/88	
Final Action	03/24/89	54 FR 12406
Final Action Effective	05/23/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: A public hearing was held on July 12, 1988 in Charleston, West Virginia.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm. 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219–AA39

DEPARTMENT OF LABOR (DOL) **Proposed Rule Stage**

Office of the Assistant Secretary for Administration and Management (OASAM)

1444. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Significance: Regulatory Program

Legal Authority: 15 USC 3151; 20 USC 1681 to 1683; 20 USC 1685; 20 USC 1686; 29 USC 794; 29 USC 1551; 29 USC 1574; 29 USC 1577; 29 USC 1579; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4

CFR Citation: 29 CFR 31

Legal Deadline: Final, Statutory, September 12, 1979.
Regulations to implement the ADA were required as of 09/12/79 and to implement JTPA as of 10/01/83. The regulation must be coordinated with DOJ pursuant to Executive Order 12250, (CONT'D)

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended would be amended and revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Public Compliance Cost: Initial Cost: $0

Sectors Affected: None

Additional Information: LEGAL DEADLINE (CONT'D) : with EEOC pursuant to E.O. 12067, and with the Office of Management and Budget pursuant to E.O. 12291, prior to publication as an NPRM.

Agency Contact: Annabelle T. Lockhart, Deputy Director, Directorate of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Ave., NW, Rm N4123, FPBldg., Washington, DC 20210, 202 523-8927

RIN: 1291–AA02

DEPARTMENT OF LABOR (DOL)

Office of the Assistant Secretary for Administration and Management (OASAM)

Final Rule Stage

1445. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) (REVISION)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 29

Legal Deadline: None

Abstract: Revise Department of Labor Acquisition Regulation (DOLAR) to delete duplicative material and make other editorial changes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, Rm S1522, FP Bldg., 202 523-9174

RIN: 1291–AA06

1446. ADMINISTRATIVE GRANTS AND COOPERATIVE AGREEMENTS TO GOVERNMENT AND NONPROFIT INSTITUTIONS

Significance: Agency Priority

Legal Authority: OMB Circular A-110

CFR Citation: 29 CFR 97

Legal Deadline: None

Abstract: On March 11, 1988 a common final rule was published which implemented OMB Circular A-102, Administrative Requirements for Grants and Cooperative Agreements with State and Local governments. OMB and DHHS have prepared a proposed common rule and revised Circular A-110 to conform the grants management requirements for non-governmental grantees with government grants. The common rule already published on governmental grantees will be amended to incorporate non-governmental grants.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, Rm S1522, FP Bldg., 202 523-8904

RIN: 1291–AA15

1447. ● DOL ADOPTION OF COMMON RULE IMPLEMENTING DRUG-FREE WORKPLACE - NONPROCUREMENT

Significance: Agency Priority

Legal Authority: EO 12549; Section 5151-5160 of the Drug-Free Work Place Act of 1988; PL 100-690 Title V, Subtitle D; 5 USC 552 to 556

CFR Citation: 29 CFR 98

Legal Deadline: Final, Statutory, April 30, 1989.

The President signed the Drug Act into law on November 18, 1988. The act requires final rules within 90 days and effective date within 120 days.

Abstract: This final action is the DOL adoption of common rules that implement the Drug-Free Work Place Act of 1988. The new regulations will be housed in the DOL regulations at 29 CFR Part 98, Suspension and Debarment - Nonprocurement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Interim Final Rule Effective	03/18/89	54 FR 4947

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Daniel Murphy, Director, Office of Procurement and Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Room S1522, FP Building, Washington, DC 20210, 202 523-9174

RIN: 1291–AA17

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Prerule Stage

1448. MANUAL LIFTING (PARTS 1910, 1915, 1917, 1918, 1919, 1926 AND 1928)

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Nation's number one injury problem is back injuries. These injuries account for one of five compensation claims and one of four dollars expended for compensation. The purpose of the proposed request for comments and information is to enable OSHA to determine a course of action--possibly either rulemaking or informal guidance-aimed at reducing the number of back-related injuries which result from improper manual lifting. The request will identify a number of approaches to improving manual lifting, and invite public comments and suggestions. Specific engineering and administrative controls should reduce the pain, suffering, and lost time of the workforce as well as reduce the associated economic costs.

Timetable:

Action	Date	FR Cite
Request for Information on Manual Lifting-Related Injuries	10/02/86	51 FR 35241
Reopening of Comment Period and Expansion of Scope	04/17/87	52 FR 12559

Next Action Undetermined

Small Entities Affected: Undetermined

DOL—OSHA

Prerule Stage

Government Levels Affected: None

Sectors Affected: All

Additional Information: The Agency has determined that it will establish an interagency work group within the Department to seek more information in the area of manual lifting. Rulemaking is, therefore, not scheduled to begin immediately.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA95

1449. MEDICAL SURVEILLANCE PROGRAMS FOR EMPLOYEES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: OSHA is developing a modification of the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b) of the Act requires where appropriate, provision for medical surveillance in each 6(b) rulemaking for a harmful substance. A generic standard for medical surveillance would satisfy the requirements of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37595) to acquire additional information. OSHA also intends to review its compliance experience with medical surveillance provisions and seek experienced medical opinion in the form of a symposium or other public discussion.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37595
ANPRM Comment Period End	12/27/88	
Decision to Proceed With Rulemaking	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB00

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Proposed Rule Stage

1450. CARCINOGEN POLICY

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Legal Deadline: None

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The Carcinogen Policy explicitly recognizes that periodic revisions are necessary in order to incorporate the latest scientific advances and techniques into the regulatory process. Hence, it is time for OSHA to review and modernize the carcinogen policy. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 1/19/81 (46 FR 4889). A proposal was published on 1/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 3/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 1/5/82 (47 FR 187) with comments due by 4/5/82. That document (cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: also proposed to stay the publication of the candidate and priority lists. The final stay was published on 1/4/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response to the document published by the Office of Science and Technology Policy entitled "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984" and is reviewing the later version of that document which was published March 14, 1985.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA01

1451. RESPIRATORY PROTECTION

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Legal Deadline: None

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA has reviewed the current standards and intends to propose revisions.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period End	09/13/82	
Public Comment Period onPreproposal Draft Ends	11/29/85	
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA05

1452. ASBESTOS, TREMOLITE, ANTHOPHYLLITE AND ACTINOLITE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910.1001; 29 CFR 1926.58

Legal Deadline: None

Abstract: On June 17, 1986, OSHA issued revised standards governing occupational exposure to asbestos, tremolite, anthophyllite, and actinolite in general industry and in the construction industry. These standards replaced OSHA's previous asbestos standard promulgated in 1972. Since the issuance of the revised standards OSHA has received letters and petitions, from both rulemaking participants and nonparticipants, that contain additional comments, assertions and information that the rulemaking record may not fully reflect. These letters and petitions concern the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite as presenting the same health risk as asbestos. OSHA has granted a temporary stay of the effective dates of the current standards as they apply to nonasbestiform varieties of tremolite, anthophyllite and actinolite. This action was taken, in part, to enable the Agency to review letters and memoranda from the National Institute for Occupational Safety and Health as well as submissions by the R.T. Vanderbilt Company and various other (Cont'd)

Timetable:

Action	Date	FR Cite
Notice of partial admin. stay	10/17/86	51 FR 37002
Extension of partial admin. stay	04/30/87	52 FR 15722
Extension of partial admin. stay	07/20/88	53 FR 27345
NPRM	08/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT (CONT'D): trade associations concerning the appropriateness of regulating nonasbestiform tremolite, anthophyllite and actinolite in the revised standards. In addition, the temporary stay was imposed to allow sufficient time for OSHA to reopen the rulemaking record and conduct supplemental proceedings on the issue of whether, and how, to regulate occupational exposure to the nonasbestiform varieties of tremolite, anthophyllite and actinolite.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA26

1453. METHODS OF COMPLIANCE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Legal Deadline: None

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be closely coordinated with revisions in the respiratory protection regulations (29 CFR 1910.134). This rulemaking does not address the assessment and reduction of any absolute existing risks, but rather addresses the possible change in risk abatement associated with the use of respirators instead of engineering controls.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	02/00/90	
Final Action Effective	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218–AA28

1454. OIL AND GAS WELL DRILLING AND SERVICING (PART 1910)

Significance: Agency Priority

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.270

Legal Deadline: None

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing. OSHA is reevaluating its proposed rule based on the public record and intends to reissue a proposed rule as the next action.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA34

1455. BENZENE EXPOSURE IN BARGE/TANKER CLEANING AND REPAIR

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-2); 29 CFR 1910.1028

Legal Deadline: None

Abstract: OSHA has amended its standard for occupational exposure to benzene by reducing the permissible exposure limit from 10 parts benzene per million parts of air (10 ppm) to an eight-hour time-weighted average of 1 ppm and by adding appropriate industrial hygiene and medical surveillance provisions necessary for the protection of employee health. This action is based on OSHA's determination that the amendments are needed to reduce the risk of leukemia and other adverse health effects associated with occupational exposure to benzene. OSHA published its final amendment to the standard on September 11, 1987. Due to technical problems associated with the completion of a detailed study of feasibility in barge and tanker cleaning and repair operations, however, OSHA exempted these operations from certain provisions of the standard. OSHA intends to issue a proposal to amend the benzene standard which will address the factors specific to the barge and tanker cleaning and repair industry.

Timetable:

Action	Date	FR Cite
NPRM	12/10/85	50 FR 50512
Notice Changing Public Hearing	01/28/86	51 FR 3474
NPRM Comment Period End	02/14/86	50 FR 50512
Public Hearings	03/11/86	50 FR 50512
Final Action	09/11/87	52 FR 34460
Final Action Effective	12/10/87	
NPRM on Barge/Tanker Cleaning and Repair Operations	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA47

1456. FALL PROTECTION SYSTEMS (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart I)

Legal Deadline: None

Abstract: Existing standards do not contain criteria for personal fall protection systems. Consequently, requirements containing criteria for personal fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protection Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. 1218-AA48 will be issued concurrently with 1218-AB04.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA48

1457. CONFINED SPACE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.146

Legal Deadline: None

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA51

1458. LOGGING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Legal Deadline: None

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to

logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood logging is estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 24 Lumber and Wood Products, Except Furniture

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA52

1459. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING (PART 1918)

Significance: Regulatory Program

Legal Authority: 29 USC 655 Occupational Safety and Health Act of 1970; 33 USC 941 Longshoremen's and Harborworkers Compensation Act

CFR Citation: 29 CFR 1910.16; 29 CFR 1918, (Revision)

Legal Deadline: None

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because much of the current standard is out of date, there are problems with compliance. These revised requirements will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry. No alternative other than revision is contemplated. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	11/00/90	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: 44 Water Transportation

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA56

1460. 4,4'-METHYLENEDIANILINE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: 4,4'-Methylenedianiline (MDA) is a chemical used primarily to manufacture methylenediphenyl diisocyanate, which is used to make polyurethane foams and elastomers. Recent scientific data indicate that MDA is a carcinogen in animals and a potential carcinogen in humans. In 1983, OSHA and the Environmental Protection Agency participated in a joint effort to publish an advance notice of proposed rulemaking to solicit information on MDA production and use, estimates of environmental and occupational exposure, and studies of its toxic and carcinogenic effects. EPA evaluated the data received in response to the advance notice and concluded that the chemical presents an unreasonable risk of injury to the health of exposed workers. Under the provisions of section 9(a) of the Toxic Substances Control Act, EPA referred MDA to OSHA for action. OSHA responded to the EPA referral on 2/26/86. OSHA established a mediated rulemaking advisory committee composed of interested parties from labor, industry and government to assist the agency in developing a proposed standard. The Committee completed its work in June 1987 (Cont'd)

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	48 FR 42836
Publication of Committee Recommendation	07/16/87	52 FR 26776
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT (CONT'D): and forwarded its recommendations to the Agency. OSHA published the Committee's recommendations on July 16, 1987, and intends to publish a proposed standard for MDA in April 1989.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA58

1461. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.269

Legal Deadline: None

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for qualified employees working on or near installations whose purpose is the generation and distribution of electricity.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4974
NPRM Comment Period End	05/01/89	
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA59

1462. PULP, PAPER AND PAPERBOARD MILLS (PART 1910)

Significance: Agency Priority

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Legal Deadline: None

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 26 Paper and Allied Products

Additional Information: The Agency has determined that no further action be taken due to a priority reassignment of resources leading to the completion of a generic standard having a direct affect on the pulp, paper and paperboard mills standard.

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA61

1463. STEEL ERECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 40 USC 333

CFR Citation: 29 CFR 1926.750, (Revision); 29 CFR 1926.751, (Revision); 29 CFR 1926.752, (Revision)

Legal Deadline: None

Abstract: This action will consolidate, clarify, and revise the existing provisions governing steel erection assembly, flooring, holting, riveting, fitting-up, plumbing-up, and fall protection. When completed, the revised fall protection requirements may be relocated and be incorporated into Subpart M (of Part 1926) which is the general fall protection standard.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA65

1464. FACE, HEAD, EYE AND FOOT PROTECTION (PERSONAL PROTECTIVE EQUIPMENT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Legal Deadline: None

Abstract: Existing standards for eye, face, head, and foot protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, head, and foot would be revised to reflect improved developments in these types of equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, head, and foot hazards.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	07/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA71

1465. WELDING, CUTTING AND BRAZING (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.251; 29 CFR 1910.252; 29 CFR 1910.253; 29 CFR 1910.254

Legal Deadline: None

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision is needed at this time to bring the standard into line with the current state-of-the art and updated consensus standards.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	11/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA72

1466. ● FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq.

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: The present occupational health standard for formaldehyde was published on December 4, 1987 (52 FR 46168). In this standard, the Occupational Safety and Health Administration (OSHA) required hazard warning labels to be placed on containers of all products composed of greater than 0.1 percent formaldehyde or capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm. Material safety data sheets, prepared in accordance with paragraph (g) of the Hazard Communication Standard (29 CFR 1910.1200), were also required. On December 2, 1987, the Formaldehyde Institute filed an Application for Administrative Stay of the Formaldehyde Standard's cancer labeling requirement. On November 8, 1988, OSHA requested comments on whether to grant a petition for administrative stay of these provisions and whether to institute additional rulemaking. Based primarily on the comments received, OSHA stayed the provision at 29 CFR 1910.1048 (m)(l)(i) through (m)(4)(ii) for a period of (Cont'd)

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT'D : nine months, commencing December 13, 1988 (53 FR 50198). OSHA plans to propose to revoke the stayed provisions and will request alternative methods for defining a de minimis exemption for products that release trace amounts of formaldehyde. Based on public comment and the rulemaking record, OSHA will promulgate revised hazard communication provisions for formaldehyde.

Agency Contact: Charles E. Adkins, Director, Health Standards Program, Occupational Safety and Health Admin., Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3718, FP Building, Washington, DC 20210, 202 523-7075

RIN: 1218–AA82

1467. 1,3-BUTADIENE

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, (Table Z-1)

Legal Deadline: None

Abstract: On October 10, 1985, EPA referred 1,3-butadiene (BD) to OSHA for possible regulatory action under section 9(a) of the Toxic Substance Control Act. On April 11, 1986, OSHA responded to the EPA referral indicating that the Agency has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit and that the risk can be reduced or prevented through the promulgation of a revised standard. On October 1, 1986 (51 FR 35003), OSHA published an ANPRM initiating regulatory action within the meaning of section 9(a) of TSCA. Comments were submitted to OSHA by December 30, 1986. OSHA plans to publish a NPRM in April 1989.

Timetable:

Action	Date	FR Cite
EPA Referral	10/10/85	50 FR 41393
Request for Comments	12/27/85	50 FR 52952
Response to EPA Referral	04/11/86	51 FR 12526
ANPRM	10/01/86	51 FR 35003
ANPRM Comment Period End	12/30/86	
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA83

1468. GLYCOL ETHERS: 2-METHOXYETHANOL, 2-ETHOXYETHANOL AND THEIR ACETATES

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: On May 20, 1986, the Environmental Protection Agency (EPA) issued a report to OSHA, under Section 9(a) of the Toxic Substances Control Act, stating that EPA has reasonable basis to conclude that the risk of injury to worker health from exposure to four glycol ethers during their manufacture, processing and use is unreasonable, and that this risk may be prevented or reduced to a significant extent by OSHA regulatory action. EPA gave OSHA 180 days in which to respond to its report. OSHA published its response on December 11, 1986, stating that OSHA had preliminarily concluded that occupational exposures to the subject glycol ethers at the current OSHA permissible exposure limits may present significant risks to the health of workers. OSHA published an Advance Notice of Proposed rulemaking (ANPRM) on April 2, 1987, (52 FR 10586). OSHA will use the information received in response to the ANPRM, as well as other information and analysis, to prepare a proposed standard.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/87	52 FR 10586
ANPRM Comment Period End	07/31/87	
NPRM	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA84

DOL—OSHA

Proposed Rule Stage

1469. GEAR CERTIFICATION (PART 1919)

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1919, (Revision)

Legal Deadline: None

Abstract: In its May 7, 1987, Federal Register notice the Agency requested information to assist in the possible revision of 29 CFR Part 1919. Part 1919, entitled "Gear Certification," implements requirements located in each of OSHA's maritime standards which cover work carried out within the Federal maritime jurisdiction. Changes in the design and composition of cargo handling gear which have evolved since these rules were last amended (1969) provided questions as to the efficacy of the current rules. Additionally, the Agency sought comments that would suggest ways in which the administrative function of the accreditation program could be improved. Comment period ended: August 5, 1987.

Timetable:

Action	Date	FR Cite
Request for Information	05/07/87	52 FR 17302
Comment Period Closed	08/05/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: 37 Transportation Equipment; 44 Water Transportation

Additional Information: The Agency has determined, based on input to its "Request for Comments and Information," that minor revision to Gear Certification (Part 1919) is necessary.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA97

1470. METHYLENE CHLORIDE

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1910.1000

Legal Deadline: None

Abstract: In July 1985, OSHA was petitioned by the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to issue a hazard alert; issue an emergency temporary standard; and to begin work on a new permanent standard for methylene chloride (DCM). This request was based on information obtained from the Environmental Protection Agency and the National Toxicology Program indicating that DCM is an animal carcinogen and may have the potential to cause cancer in humans. In November 1986, OSHA notified the UAW that its petition had been granted, in part, and denied, in part. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to DCM and OSHA denied that portion of the petition requesting the issuance of an emergency temporary standard. Specifically, OSHA issued a set of guidelines for controlling occupational exposure to DCM and published an Advance Notice of Proposed Rulemaking on November 24, 1986 (51 FR 42257).

Timetable:

Action	Date	FR Cite
ANPRM	11/24/86	51 FR 42257
ANPRM Comment Period End	02/23/87	51 FR 42257
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA98

1471. GENERIC STANDARD FOR EXPOSURE MONITORING

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: OSHA is developing a modification of the Z table permissible exposure limits of 29 CFR 1910.1000 in response to current scientific data. Section 6(b)(7) of the Act requires provisions for exposure monitoring for each substance undergoing 6(b) rulemaking. A generic standard for exposure monitoring would satisfy the monitoring requirement of the Act thus enabling the Agency to deal directly with the narrower issues of the revision of the Z tables. OSHA published an Advance Notice of Proposed Rulemaking on September 27, 1988, (53 FR 37591). OSHA intends to review its compliance experience with exposure monitoring provisions to determine the appropriateness of generic exposure monitoring provisions.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/88	53 FR 37591
ANPRM Comment Period End	12/27/88	
Agency's Decision on Regulatory Action	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB01

1472. WALKING AND WORKING SURFACES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.21; 29 CFR 1910.22; 29 CFR 1910.23; 29 CFR 1910.24; 29 CFR 1910.25; 29 CFR 1910.26; 29 CFR 1910.27; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1910.30; 29 CFR 1910.31; 29 CFR 1910.32

Legal Deadline: None

Abstract: Existing standards for walking and working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance-oriented and permits flexibility for compliance.

DOL—OSHA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: The agenda RIN 1218-AB04 is an aggregate of RIN 1218-AA46 (Scaffolds and Similar Work Surfaces (Part 1910)) and RIN 1218-AA50 (Ladders and Similar Climbing Devices (Part 1910)).

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB04

1473. BLOODBORNE INFECTIOUS DISEASES

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: Many health-care workers are exposed to blood and body fluids from patients who have active bloodborne infections or are carriers of these infections. Such exposure presents a potential risk of disease for the health-care worker. One such disease, Hepatitis B, has been shown to present a substantially increased risk for health-care workers. Hepatitis B is a serious disease that may require hospitalization and, in a small percentage of cases, is fatal. Another bloodborne disease, Acquired Immune Deficiency Syndrome (AIDS) is also of great concern to health- care workers. Only a very small number of infections, however, have been documented to have resulted from occupational exposure to the virus that causes AIDS. About half of the nation's 6 million health-care workers are at increased risk from exposure to bloodborne infectious diseases. (Cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/27/87	52 FR 45438
ANPRM Comment Period End	01/26/88	52 FR 45438
NPRM	06/00/89	
Final Action	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT (CONT'D): Some examples of health-care workers at highest risk are emergency room workers, dialysis unit workers, operating room personnel, intensive care unit workers, and blood bank employees. The Occupational Safety and Health Administration (OSHA) has no standard specifically regulating occupational exposure to bloodborne infectious diseases. In 1983, the Agency issued guidelines for reducing the occupational risk of Hepatitis B infection (OSHA Instruction CPL 2-2.36). These guidelines are voluntary, however. In September 1986, OSHA was petitioned by the American Federation of State, County and Municipal Employees and other unions for the issuance of an emergency temporary standard to protect workers from occupational exposure to bloodborne infectious diseases, such as hepatitis B and AIDS. The agency plans to publish a proposal in 1989.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, Dc 20210, 209 523-7075

RIN: 1218–AB15

1474. CADMIUM

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910, (Table Z-2)

Legal Deadline: None

Abstract: On June 18, 1986, the International Chemical Workers Union and the Public Citizen Health Research Group petitioned OSHA to issue an emergency temporary standard reducing the permissible exposure limit for cadmium to one microgram of cadmium per cubic meter of air. On June 25, 1987 the union and HRG filed a petition with the Court of Appeals requesting the Court to order OSHA to promulgate an ETS. In its July 1, 1987, response to the petitioners, OSHA stated that issuance of an emergency standard was not warranted, but that exposure to cadmium at levels permitted under the current standard represented a significant risk to worker health which would be addressed through section 6(b) rulemaking procedures. On September 26, 1988, OSHA published guidelines for controlling exposure to cadmium and recommended reduced exposure levels significantly below the permissible exposure limit. OSHA plans to publish a Notice of Proposed Rulemaking in April 1989.

Timetable:

Action	Date	FR Cite
Response to Petitioners	07/01/87	
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB16

1475. HAZARDOUS MATERIALS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910, (Subpart H)

Legal Deadline: None

Abstract: Standards in 29 CFR Part 1910, Subpart H, which address the storage, handling and use of hazardous materials, such as compressed gases, acetylene, hydrogen, oxygen, liquified petroleum gases, and flammable and combustible liquids, will be revised. This regulatory action will provide a new approach to the revision of Subpart H and will occur in three phases in an expanded timeframe. The three phases will be (1) Process Hazards Management, (2) Flammable and Compressed Gases, and, (3) Hazardous Liquids. The first phase of the proposed action is intended to better protect employees from unexpected releases of significant quantities of dangerous substances. The remaining phases are intended to simplify, clarify and consolidate standards on hazardous materials and assist employers and employees in

general industry to better understand and better focus on the hazards inherent in the use, handling, and storage of such materials.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	46 FR 38108
NPRM	01/00/90	
Final Action	01/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This action merges two previous actions, "Hazardous Materials-- Flammable and Compressed Gases (Part 1910)" and "Hazardous Materials--Flammable and Combustible Liquids (Part 1910)" and will also include storage and handling of toxic materials.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AB20

1476. SHIPYARD EMPLOYMENT: PHASE II (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.1 et seq.; 29 CFR 1915.31 et seq.; 29 CFR 1915.91 et seq.; 29 CFR 1915.111 et seq.; 29 CFR 1915.131 et seq.; 29 CFR 1915.161 et seq.; 29 CFR 1915.171 et seq.; 29 CFR 1915.181; 29 CFR 1910.13; 29 CFR 1910.14; 29 CFR 1910.15; 29 CFR 1910.95; 29 CFR 1910.96; 29 CFR 1910.97; 29 CFR 1910.141; ...

Legal Deadline: None

Abstract: This regulatory action will complete the consolidation and updating of Parts 1915 and 1910 by providing shipyard employees with coverage under one comprehensive OSHA standard. This revision will involve the promulgation of 16 maritime subparts and their 1910 counterparts. Its completion will relieve shipyard owners from the burden of having to comply with two sets of rules that are complex, prescriptive, confusing and, in some cases, conflicting. OSHA has established an Advisory Committee to assist the agency in reviewing and revising these subparts. Experts from government, industry, unions and the states will be asked to work with OSHA on this project. A previously identified project, Surface Preparation and Preservation (RIN: 1218-AA96), will be included in this project.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AB22

1477. ● ACCREDITATION OF TRAINING PROGRAMS FOR HAZARDOUS WASTE OPERATIONS (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120, (Subpart H)

Legal Deadline: None

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response. Section 126 of Public Law 99-499 was amended by Congress on December 22, 1987 to require the Secretary of Labor to include in the final rule a training course certification program at least as comprehensive as the EPA's model program for asbestos abatement in public buildings. This proposed revision would add criteria and requirements for training course certification of training for workers involved in hazardous waste operations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	08/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBuilding, Washington, DC 20210, **202 523-8061**

RIN: 1218–AB27

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Final Rule Stage

1478. OCCUPATIONAL EXPOSURES TO HAZARDOUS CHEMICALS IN LABORATORIES

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Legal Deadline: None

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. During this rulemaking, OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific standards. Accordingly, OSHA has proposed a special performance-oriented work practices standard that, if promulgated, would apply to laboratory workers and would contain provisions specifically designed for laboratory conditions.

DOL—OSHA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	07/24/86	51 FR 26660
NPRM Comment Period End	10/22/86	51 FR 26660
Public Hearings	03/24/87	52 FR 1212
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA00

1479. ETHYLENE DIBROMIDE (EDB)

Significance: Agency Priority

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Legal Deadline: None

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	48 FR 45956
Public Hearing Held	02/08/84	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AA06

1480. CONCRETE AND MASONRY CONSTRUCTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.700; 29 CFR 1926.701; 29 CFR 1926.702; 29 CFR 1926.703; 29 CFR 1926.704; 29 CFR 1926.705; 29 CFR 1926.706

Legal Deadline: None

Abstract: A final rule for concrete and masonry construction was published in the Federal Register on June 16, 1988. However, the record was reopened to allow information and evidence obtained from the investigation of a recent major accident to be included in the record pertaining to lift-slab operations. Revised lift-slab rules were then proposed (September 15, 1988).

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	09/16/85	50 FR 37543
NPRM Comment Period End	11/15/85	50 FR 37543
Public Hearing Scheduled	04/08/86	51 FR 11945
Public Hearing Rescheduled and Held June 17-18, 1986	05/09/86	51 FR 17203
Final Action (Except Lift-Slab)	06/16/88	53 FR 22612
FINAL ACTION (EFFECTIVE DATE) (Except Lift-Slab)	08/15/88	53 FR 22612
NPRM -- Reproposal of Lift-Slab Rules	09/15/88	53 FR 35972
NPRM Public Comment Period End -- Reproposal of Lift-Slab Rules	11/14/88	
Final Action on Lift-Slab Rules	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: 1. 29 CFR 1926, Subpart Q currently entitled: "Concrete, Concrete Forms, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA20

1481. ELECTRICAL SAFETY-RELATED WORK PRACTICES (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.331; 29 CFR 1910.332; 29 CFR 1910.333; 29 CFR 1910.334; 29 CFR 1910.335; 29 CFR 1910.399; 29 CFR 1910.26(c)(3)(iii); 29 CFR 1910.67(b)(4); 29 CFR 1910.68(b)(4); 29 CFR 1910.68(c)(5)(iv)(c); 29 CFR 1910.94(a)(2)(iii); 29 CFR 1910.103(b)(3)(iii)(e); 29 CFR 1910.106(h)(7)(iii)(a); 29 CFR 1910.110, (Table H-28); 29 CFR 1910.178(c)(2); ...

Legal Deadline: None

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard which would establish a performance-oriented standard for electrical safety- related work practices to complement the existing electrical installation standards. The proposed standard includes requirements for work performed on or near exposed energized and deenergized parts of electrical equipment and includes requirements for both the safe use of the electrical equipment as well as the use of personal protection devices.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45530
NPRM Comment Period End	02/29/88	52 FR 45530
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA32

1482. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.66

Legal Deadline: None

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim. The proposal provides flexibility in compliance through performance-oriented provisions as alternatives to positive engagement. It would also expand the scope of the current standard to include requirements covering additional suspension equipment, fall protection, and employee training.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	48 FR 6368
NPRM	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	50 FR 2890
Reopening of NPRM Comment Period to 8/1/85	07/02/85	50 FR 27307
Informal Public Hearing	02/20/86	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA33

1483. EXCAVATIONS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650; 29 CFR 1926.651; 29 CFR 1926.652; 29 CFR 1926.653

Legal Deadline: None

Abstract: This rule prescribes the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule was proposed because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the existing standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	04/15/87	52 FR 12288
NPRM Comment Period End	10/14/87	52 FR 22799
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. 29 CFR 1926.650 through .653 currently entitled: "Excavations, Trenching, and Shoring.

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA36

1484. FALL PROTECTION (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.104; 29 CFR 1926.105; 29 CFR 1926.500; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.107(b); 29 CFR 1926.250(b)(2); 29 CFR 1926.651(t); 29 CFR 1926.951(b)(4)(i); 29 CFR 1926.107(c); 29 CFR 1926.107(f); 29 CFR 1926.651(w)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and does not properly address the fall protection needs of certain areas and operations. The proposal raises several significant issues including (1) when fall protection systems must be installed, (2) whether work surface inspections are necessary to insure adequate structural integrity before commencing work, and (3) whether body belt systems or body harness systems are appropriate for use as fall protection. (Subpart M revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218–AA37

1485. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)(PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Legal Deadline: None

Abstract: The existing standards are being revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts,

chambers, passageways and covered excavations. In some cases, the existing standards are too restrictive. In addition, existing language is being rewritten to clarify the requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to 02/17/84	12/19/83	48 FR 56087
Public Hearing Held	03/13/84	
Limited Reopening of Comment Period Until 10/18/85	08/19/85	50 FR 33357
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA38

1486. SCAFFOLDS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.451; 29 CFR 1926.452; 29 CFR 1910.28; 29 CFR 1910.29; 29 CFR 1926.752(k)

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it is poorly formatted, contains unnecessary and restrictive provisions, and omits necessary specific coverage for certain types of scaffolds. The proposal raises several significant issues including: (1) the use of crossbraces as guardrails, (2) the use of fall protection during scaffold erection and dismantling operations, and (3) the role of engineers in scaffold design. (Subpart L, revised)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218–AA40

1487. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (PART 1910)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.147, (New)

Legal Deadline: None

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy could cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period End	09/15/80	
NPRM	04/29/88	53 FR 15496
NPRM Comment Period End	06/28/88	53 FR 15496
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA53

1488. STAIRWAYS AND LADDERS (PART 1926)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450; 29 CFR 1926.452; 29 CFR 1926.501; 29 CFR 1926.502; 29 CFR 1926.1050; 29 CFR 1926.1051

Legal Deadline: None

Abstract: The existing standard has been proposed for revision because it contains references to non-government voluntary regulations by topic. The proposal raises several significant issues including: (1) what is the appropriate height limit where the use of ladders as a means of access should be required, and (2) what are appropriate field tests for determining ladder strength. (New Subpart X)

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42680
NPRM Comment Period End	08/14/87	52 FR 20616
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (Scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.) This agenda entry is part of Regulatory Program RIN 1218-AB05; Elevated Surfaces (Part 1926).

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605,

FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA57

1489. FALL PROTECTION (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.201; 29 CFR 1915.202; 29 CFR 1915.203; 29 CFR 1915.73; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.77

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48166
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.21 - .23.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA66

1490. SCAFFOLDS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.71; 29 CFR 1910.28; 29 CFR 1910.29

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48182
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Applicable Part 1910 provisions under consideration: 29 CFR 1910.28 - .29.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA68

1491. ACCESS AND EGRESS (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.72; 29 CFR 1915.74; 29 CFR 1915.75; 29 CFR 1915.76

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48130
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.24 - .27; 29 CFR 1910.36 - .37.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA70

1492. WELDING, CUTTING AND HEATING (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.51; 29 CFR 1915.52; 29 CFR 1915.53; 29 CFR 1915.54; 29 CFR 1915.55; 29 CFR 1915.56; 29 CFR 1915.57

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48111
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.251 - .252.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AA73

1493. PERSONAL PROTECTIVE EQUIPMENT (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.151; 29 CFR 1915.152; 29 CFR 1915.153; 29 CFR 1915.154

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48150
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 1. Applicable Part 1910 provisions under consideration: 29 CFR 1910.132 through .137.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218–AA74

1494. EXPLOSIVE AND OTHER DANGEROUS ATMOSPHERES (PART 1915)

Significance: Regulatory Program

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1915.11; 29 CFR 1915.12; 29 CFR 1915.13; 29 CFR 1915.14; 29 CFR 1915.15; 29 CFR 1915.16

Legal Deadline: None

Abstract: This regulatory action will revise the existing shipyard standard covering explosive and other dangerous atmospheres. This revision will develop, in part, a performance-oriented standard, address any gaps in coverage, recognize new technology, and eliminate outmoded or redundant standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48092
NPRM Comment Period End	02/27/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 373 Ship and Boat Building and Repairing

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm N3605, FPBldg., Washington, DC 20210, **202 523-8063**

RIN: 1218–AA91

1495. HAZARD COMMUNICATION

Significance: Regulatory Program

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657; 33 USC 941; 40 USC 333; 5 USC 553

CFR Citation: 29 CFR 1910.1200; 29 CFR 1915.99; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21

Legal Deadline: None

Abstract: OSHA promulgated a final rule on August 24, 1987, that extended the protections of its Hazard Communication Standard (HCS) from the manufacturing sector to all other workplaces where employees are exposed to hazardous chemicals. The HCS requires covered employers to establish hazard communication programs for their employees, including labels on containers, material safety data sheets, and training programs. On August 8, 1988, OSHA published a NPRM to modify the final rule, and provide an opportunity for public comment. Public comments have been received, hearings have been held, and a final rule is expected to be completed in 1989.

Timetable:

Action	Date	FR Cite
ANPRM	11/27/85	50 FR 48794
ANPRM Comment Period End	02/25/86	
NPRM	08/08/88	53 FR 29822
NPRM Comment Period End	10/24/88	
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, **202 523-7075**

RIN: 1218–AB02

1496. LEAD (RECONSIDERATION OF THE FEASIBILITY OF COMPLIANCE IN NINE INDUSTRY SECTORS)

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1025

Legal Deadline: Final, Judicial, June 28, 1989.

Abstract: On December 11, 1981 (46 FR 60758), OSHA published a Revised Statement of Reasons concerning the feasibility of compliance with paragraph (e)(1) of the standard for occupational exposure to lead, which had been promulgated in 1978. In this revised statement, OSHA stated that it could not reach a conclusion regarding feasibility, on the basis of the existing rulemaking record, for eight specific industry sectors: lead chromate pigments, lead chemicals, nonferrous foundries, brass and bronze ingot production, secondary copper smelting leaded steel, shipbuilding and ship repair, stevedoring, and battery breaking separate from secondary smelting, and that in addition, it wished to reexamine the applicability of the lead standard to the stevedoring industry. OSHA requested that the record (which was under review by the U.S. Court of Appeals for the District of Columbia Circuit) be remanded for supplementary administrative proceedings. The Court granted OSHA's December 1981 request on March 31, 1987, and remanded the record to OSHA for further administrative proceedings to determine the feasibility of section (e)(1) for the nine industry sectors OSHA had (Cont'd)

Timetable:

Action	Date	FR Cite
Reopening of Lead Rulemaking Records	08/03/87	52 FR 28727
End of Comment Period	09/16/87	
Public Hearings	09/29/87	
Final Action	06/00/89	

DOL—OSHA

Final Rule Stage

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT (CONT'D): listed. The Court further ordered OSHA to return the record on or before October 1, 1987. On June 17, 1987, OSHA filed with the Court a motion requesting a 90-day extension to January 1, 1988. On July 31, 1987 the Court granted OSHA's motion. OSHA published in the Federal Register on August 3, 1987, a notice of a limited reopening of the rulemaking record (limited to the issue of feasibility) and specified September 2, 1987 for the receipt of comments from the public and September 15, 1987 for public hearings. Thereafter, at the request of industry and labor, OSHA deferred the relevant dates for the rulemaking until September 16 and 29, 1987, respectively.OSHA requested, and was granted by the Court, an extension for final action until July 15, 1988.Because of the complexity of the issues, OSHA petitioned the court on July 15 for an extension of time for the return of the record until the end of November 1988.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB18

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Completed Actions

1497. HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE (PART 1910)

Significance: Agency Priority

Legal Authority: PL 99-499 Section 126 (as amended); 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120, (Subpart H)

Legal Deadline: Final, Statutory, October 16, 1987.

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response by October 17, 1987. The law requires the rule to address eleven areas: site analysis, training, medical surveillance, protective equipment, engineering controls, maximum exposure limits, informational programs, handling and labeling, new technology programs, decontamination procedures, and emergency response. The agency has developed a Regulatory Impact Analysis which is available in the docket. OSHA held public hearings in Washington, D.C. and Seattle, Washington to enhance public comment and participation in this rulemaking. On December 22, 1987 Congress amended SARA to require the Secretary of Labor to develop a training certification program at least as comprehensive as the EPA's Model Program for Asbestos Abatement in Schools. OSHA will be developing this certification program as a separate rulemaking.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/19/86	51 FR 45654
NPRM	08/10/87	52 FR 29620
NPRM Comment Period End	10/05/87	52 FR 29620
Public Hearings held in Washington, DC, and Seattle, Washington	10/13/87	52 FR 37973
Final Action	03/06/89	54 FR 9294
Final Action Effective	03/06/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: All

Additional Information: SMALL ENTITIES AFFECTED CONT: Because Public Law 99-499 requires the use of trained workers, there may be some impact or subcontractors who will either need to hire trained employees, than existing employees, or not participate in the cleanup of hazardous wastes.

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB13

1498. PERMISSIBLE EXPOSURE LIMIT UPDATE

Significance: Regulatory Program

Legal Authority: 29 USC 655 et seq

CFR Citation: 29 CFR 1910.1000, (Tables Z-1 to Z-3)

Legal Deadline: None

Abstract: In 1972, OSHA promulgated permissible exposure limits (PELs) for a number of toxic substances, pursuant to authority granted by section 6(a) of the Act, which allowed OSHA (for a limited period) to adopt existing Federal standards or industry consensus standards as enforceable OSHA standards. Accordingly, the lists of toxic substances now codified at 29 CFR 1910.1000, Tables Z-1 and Z-3, were Federal standards adopted under the Walsh-Healey Public Contracts Act, which, in turn, were adopted from the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs) for 1968. The substances listed at 29 CFR 1910.1000, Table Z-2, were adopted from American National Standards Institute standards. Industrial experience, new developments in control technology, and scientific data acquired since 1968 have led the ACGIH to make changes in its TLVs over the years. Many of the TLVs have been lowered, and limits for additional chemicals have been established. During this period, OSHA has promulgated revised standards for toxic substances on a substance-by-substance basis. This process, however, has not kept up with (Cont'd)

Timetable:

Action	Date	FR Cite
NPRM	06/07/88	53 FR 20960
NPRM Comment Period End	07/08/88	
Final Action	01/19/89	54 FR 2332
Final Action Effective	03/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

DOL—OSHA **Completed Actions**

Additional Information: ABSTRACT (CONT'D): the number of changes made by ACGIH. OSHA believes that 29 CFR 1910.1000, Tables Z-1, Z-2 and Z-3 should be updated, as appropriate, to conform with current scientific and technical knowledge. OSHA intends to initiate rulemaking to accomplish this update.

Agency Contact: Charles E. Adkins, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3718, FPBldg., Washington, DC 20210, 202 523-7075

RIN: 1218–AB17

1499. HAZARDOUS WASTE TRAINING COURSE CERTIFICATION (PART 1910)

Significance: Regulatory Program

Legal Authority: PL 99-499 Section 126 (as amended); 29 USC 655; 29 USC 657; 5 USC 552(a); 5 USC 533

CFR Citation: 29 CFR 1910.120, (Subpart H)

Legal Deadline: None

Abstract: Public Law 99-499 requires the Secretary of Labor to promulgate a final standard for Hazardous Waste Operations and Emergency Response. Section 126 of Public Law 99-499 was amended by Congress on December 22, 1987 to require the Secretary of Labor to include in the final rule a training course certification program at least as comprehensive as the EPA's model program for asbestos abatement in public buildings. This proposed revision would add criteria and requirements for training course certification of training for workers involved in hazardous waste operations.

Timetable:

Action	Date	FR Cite
Integrated into 1218-AB27	01/27/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm N3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218–AB23

DEPARTMENT OF LABOR (DOL) — Proposed Rule Stage

Office of the Assistant Secretary for Veteran's Employment & Training (ASVET)

1500. ● SERVICES FOR VETERANS

Significance: Regulatory Program

Legal Authority: 38 USC Chapter 41; PL 100-323

CFR Citation: 20 CFR 652 Subpart B

Legal Deadline: None

Abstract: To revise Title 20 CFR, as follows: 1) establish a new 20 CFR Chapter IX, Part 1000-1099, for the Assistant Secretary of Veterans' Employment and Training, 2) redesignate existing 20 CFR, Part 635, Implementing Regulations for Veterans' Employment Programs, previously published October 24, 1983 (48 FR 49198), as new 20 CFR, Part 1005, in new 20 CFR Chapter IX, 3) revise existing 20 CFR 652, Subpart B, Services for Veterans, previously published March 30, 1984 (49 FR 12918), into conformity with 38 U.S.C. Chapter 41, as amended, and redesignate it as 20 CFR Part 1001 in new 20 CFR Chapter IX. According to PL 100-323, several major provisions must be added to the regulations as follows: a) expand responsibilities of Assistant Secretary for Veterans' Employment and Training; (b) establish position of Regional Administrator for Veterans' Employment and Training; (c) expand duties of Disabled Veterans' Outreach Program Specialists; (d) establish assignment formula and duties for local Veterans; employment Representatives; (ABSTRACT CONT'D IN ADDITIONAL INFORMATION)

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	
Final Action Effective	01/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: (ABSTRACT CONT'D): (e) expand list of data items to be collected and reported to Congress annually; (f) establish permanent National Veterans' Training Institute; (g) expand membership of Secretary's Committee on Veterans' Employment; (h) set requirements for greater coordination with JTPA and OPM. Requires solution since statute requires Department of Labor to monitor and/or administer affected programs.

Agency Contact: Carlon J. Johnson, Chief, Office of Regulations and Special, Programs, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training, 200 Constitution Avenue, NW, Room S1316, FP Building, Washington, DC 20210, 202 523-9110

RIN: 1293–AA03

[FR Doc. 89-7779 Filed 04-21-89; 8:45 am]

BILLING CODE 4510-23-T

federal register

Monday
April 24, 1989

Part XIII

Department of State

Semiannual Regulatory Agenda

DEPARTMENT OF STATE (STATE)

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD - 225]

Unified Agenda of Federal Regulations

AGENCY: Department of State.

ACTION: Semiannual publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and the Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354), the April 1989 agenda of regulations of the Department of State is set forth below. This agenda was prepared under the guidelines of OMB Bulletin 89-02, dated November 4, 1988. The purpose of the agenda is to provide information to the public on the Department's regulatory plans.

FOR FURTHER INFORMATION CONTACT: James H. Thessin, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW., Washington, DC 20520, telephone (202) 647-2350.

Dated: March 1, 1989.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Prerule Stage

1501. FOREIGN MISSIONS ACT REGULATIONS

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: 22 CFR 151

Legal Deadline: None

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of PL 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of PL 98-164.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Condayan, Acting Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400–AA04

1502. BANKING SERVICES - PROCEDURES FOR RESTRICTING

Legal Authority: 22 USC 4301 et seq

CFR Citation: 22 CFR 152

Legal Deadline: None

Abstract: The rule will set out the procedures that the Department of State will follow whenever the banking services of particular foreign missions are restricted pursuant to the Foreign Missions Act, 22 USC 4301 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Condayan, Acting Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, DC 20520, 202 647-3416

RIN: 1400–AA07

1503. ESTABLISHMENT OF REGISTRY IN STATE DEPARTMENT FOR INFORMATION ABOUT EXECUTION OF INTERNATIONAL WILLS

Legal Authority: See Additional Information.

CFR Citation: 22 CFR 92.81(3), amendment to

Legal Deadline: None

Abstract: By resolution of the international diplomatic conference that adopted the final text of the Convention, there was a recommendation that States establish an internal system to permit the optional registration of information to facilitate the discovery of international wills. The President transmitted the Convention to the Senate on July 2, 1986 with the recommendation that the Senate give its advice and consent to U.S. ratification of the Convention, and information about the intention to establish the Registry in the Department of State (Senate Treaty Doc. 99-29).

Timetable:

Action	Date	FR Cite
Hearing of Senate Foreign Relations Committee on the Convention	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Eventual U.S. ratification of 1973 Convention providing a uniform law on the form of an international will provide the basis for establishing the Registry.

Agency Contact: Carmen A. DiPlacido, Director, Office of Citizens Consular Services, Department of State, Bureau of Consular Affairs, Washington, DC 20520, 202 647-3666

RIN: 1400–AA09

STATE **Prerule Stage**

1504. FISHERMEN'S PROTECTIVE ACT PROCEDURES UNDER SECTION 7

Legal Authority: 22 USC 1977

CFR Citation: 22 CFR 33, (Revision)

Legal Deadline: None

Abstract: This regulation clarifies procedures for the administration of the Fishermen's Guaranty Fund and claims evaluation, under Section 7 of the Fishermen's Protective Act, 22 USC 1971 et seq.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stetson Tinkham, Program Administrator, Department of State, Office of Fisheries Affairs, OES/OFA, Room 5806, Washington, DC 20520, 202 647-2009

RIN: 1400–AA10

1505. DEPARTMENT OF STATE ACQUISITION REGULATION (DOSAR)

Legal Authority: 5 USC 301; 22 USC 2658; 40 USC 486(c)

CFR Citation: 48 CFR 601 to 653

Legal Deadline: None

Abstract: Several items in the current Department of State Acquisition Regulation (DOSAR) were published as interim rules (see 53 FR 26158, July 11, 1988) and final rule action on those items awaits review by the Federal Acquisition Regulation council. Other changes are uncertain at this time.

Timetable:

Action	Date	FR Cite
NPRM	05/28/87	52 FR 19990
NPRM Comment Period End	06/29/87	52 FR 19990
Interim Final Rule	07/11/88	53 FR 26158
Final Rule	07/11/88	53 FR 26158
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Washington, DC 20520, 703 875-7047

RIN: 1400–AA16

1506. SOUTH AFRICA AND FAIR LABOR STANDARDS

Legal Authority: 22 USC 5034; 22 USC 5035; 22 USC 5111; 22 USC 5113

CFR Citation: 22 CFR 60 to 65

Legal Deadline: None

Abstract: Executive Order 12532 of September 9, 1985 required U.S. firms operating in South Africa to take good faith measures with respect to certain fair labor standards. A final rule was promulgated for this purpose after receiving public comments. The requirements of this Executive Order were later codified in the Comprehensive Anti-Apartheid Act of October 2, 1986, and amendments to the regulations were promulgated as a final rule on October 22, 1986. The second annual review of the labor practices of U.S. firms was published in October, 1988. The Department of State revised the questionnaire and application for registration after the first report was published in 1987. The Department is in the final stages of revising and updating the regulations (22 CFR 60-65).

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	12/31/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert Bruce, Executive Director, South Africa Fair Labor Standards Program, Department of State, AF/S, 2201 C Street, NW., Washington, DC 20520, 202 647-9866

RIN: 1400–AA19

1507. INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Legal Authority: 22 USC 2778

CFR Citation: 22 CFR 120 to 130

Legal Deadline: None
Statutory deadline applies only to one proposed Notice; the remainder of the proposals are not subject to a legal deadline.

Abstract: The ITAR were first published in their current form in 1955 and have been periodically amended to reflect statutory enactments and to implement foreign policy. The last substantial revision occurred in December 1984; other amendments have been effected since this date. For example, on April 4, 1988, the ITAR was amended to implement an amendment to the Arms Export Control Act (AECA) that was designed primarily to ensure that individuals or firms convicted of certain offenses or debarred by U.S. Government agencies are denied export privileges. The Office of Munitions Control is continually seeking ways to improve the administration of its export control function by seeking to clarify or amend the ITAR, as necessary. During the next few months, the Department intends to amend the ITAR to include an exemption for certain temporary imports and re-exports of defense articles. The Department also intends to publish more comprehensive changes to the ITAR, which would first be the subject comment.

Timetable:

Action	Date	FR Cite
Published "Standards Identifying High-Risk Exports"	09/26/88	53 FR 37382
Continue proposed revisions	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Chard, Deputy Director, Office of Munitions Control, Department of State, PM/RASA/MC, Room 800, Department of State Annex 6, Washington, DC 20520, 703 875-6650

RIN: 1400–AA23

1508. AUTOMOBILE LIABILITY INSURANCE REPORTING REQUIREMENTS UNDER THE FOREIGN MISSIONS ACT

Significance: Regulatory Program

Legal Authority: 22 USC 4301 et seq; 22 USC 254a

CFR Citation: 22 CFR 151

Legal Deadline: None

Abstract: The Foreign Missions Act Amendments of 1983 amended the Diplomatic Relations Act of 1978 and

STATE **Prerule Stage**

the Foreign Missions Act to enforce more effectively a requirement that persons connected with foreign missions carry liability insurance against risks arising from the operation in the U.S. of automobiles, vessels or aircraft by persons entitled to diplomatic or consular immunity. The Department issues and enforces pertinent regulations with the aim of ensuring that the objectives of this program are achieved. The regulations are designed to carry out the obligations of the U.S. to foreign diplomatic and consular missions, to induce concessions for U.S. diplomatic and consular missions abroad, and to protect the U.S. public against uninsured foreign drivers. The expected potential benefits to society will greatly outweigh potential costs. We continue our analysis and discussions to ensure that regulatory mechanisms chosen maximize net benefits and minimize net costs. We seek to set priorities for our regulatory goals and objectives to maximize aggregate net benefits to society. In that connection, the liability insurance regulations have first priority.

Timetable:

Action	Date	FR Cite
Determination of milestones for future action	06/00/89	
Continue discussions with insurance industry	12/30/89	
Continue Congressional review	12/30/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: John Condayan, Acting Director, Office of Foreign Missions, Department of State, Room 2105, Washington, DC 20520, 202 647-3416

RIN: 1400–AA24

DEPARTMENT OF STATE (STATE) **Proposed Rule Stage**

1509. REGULATIONS IMPLEMENTING THE PROGRAM FRAUD CIVIL REMEDIES ACT

Legal Authority: PL 99-509, Sec 6104; 31 USC 3801 to 3812

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, April 21, 1987.

Abstract: Regulations implement the Program Fraud Civil Remedies Act of 1986, which establishes an administrative remedy for fraudulent claims or statements submitted to agencies. Anyone who, with knowledge or reason to know, submits a false, fictitious or fraudulent claim or statement to an agency is liable for a $5,000 penalty and an assessment of double damages.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jean Bailly, Attorney-Adviser, Department of State, L/M, Room 4427A, 2201 C Street, NW, Washington, DC 20520, 202 647-4446

RIN: 1400–AA13

DEPARTMENT OF STATE (STATE) **Final Rule Stage**

1510. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS WITH UNIVERSITIES, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS

Legal Authority: 22 USC 2658

CFR Citation: 22 CFR 135

Legal Deadline: None

Abstract: This regulation established uniform administrative requirements for grants and cooperative agreements to State and local governments. The regulation is being changed to include institutions of higher education, hospitals, and other nonprofit organizations. This effort represents a merging of OMB circulars A-102 and A-110, and is being promulgated by many Federal agencies under the common rulemaking procedures.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/84	49 FR 24958
Notice of Proposed Forms	05/29/87	52 FR 20178
NPRM	06/09/87	52 FR 21820
Begin Review	06/24/87	52 FR 23729
Notice Public Comment Period End	07/28/87	52 FR 20178
NPRM Comment Period End	08/10/87	52 FR 21820
Final rule	03/11/88	53 FR 8034
NPRM	11/04/88	53 FR 44716
NPRM Public Comment Period End	01/03/89	53 FR 44716
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Washington, DC 20520, 703 875-7047

RIN: 1400–AA20

1511. GOVERNMENT-WIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENT-WIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: 22 USC 2658

STATE

Final Rule Stage

CFR Citation: 22 CFR 137

Legal Deadline: Other, Statutory, March 18, 1989.
Interim final rule

Abstract: This regulation established a uniform system of nonprocurement debarment and suspension among 27 Federal agencies. The regulation includes coverage published as an interim rule, which will be finalized during this regulatory period, if not sooner. This regulation also has been amended to include Government requirements for drug-free workplace, pursuant to the Drug-Free Workplace Act of 1988 (PL 100-690, Title V, Subtitle D).

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39015
NPRM Comment Period End	12/21/87	52 FR 39015
Interim Final Rule	05/26/88	53 FR 19161
Final Rule	05/26/88	53 FR 19161
OMB Notice	09/06/88	53 FR 34474
Final Rule effective	10/01/88	53 FR 19161
Final Rule and Interim Final Rule	01/31/89	54 FR 4947
Interim Final Rule effective	03/18/89	54 FR 4947
Interim Final Rule comment period end	04/03/89	54 FR 4947

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: John J. Conway, Procurement Executive, Department of State, Room 227, SA-6, Washington, DC 20520, **703 875-7047**

RIN: 1400–AA21

DEPARTMENT OF STATE (STATE)

Completed Actions

1512. COLLECTION OF DEBTS BY THE STATE DEPARTMENT UNDER THE DEBT COLLECTION ACT OF 1982

CFR Citation: 22 CFR 34

Completed:

Reason	Date	FR Cite
Final Action	04/03/89	54 FR 13364
Final Action Effective	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ramon A. Evon 202 875-6880

RIN: 1400–AA25

[FR Doc. 89-6180 Filed 04-21-89; 8:45 am]
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federal register

Monday
April 24, 1989

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DEPARTMENT OF TRANSPORTATION (DOT)

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I-III

48 CFR Ch. 12

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 89-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department regulations agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. The agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the agenda is 400 Seventh Street, SW., Washington, DC 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, SW., Washington, DC 20591; and the U.S. Coast Guard, which is located at 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the agenda in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, 202-366-4723.

Specific

For further information about any particular item on the agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Supplementary Information:
- Background
- Regulatory Flexibility Act
- Regulatory Impact Analysis
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- Explanation of Information on the Agenda
- Mailing Lists for Regulatory Documents
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- Public Rulemaking Dockets
- Request for Comments
- Purpose
- Appendix A - Instructions for Obtaining Copies of Regulatory Documents
- Appendix B - General Rulemaking Contact Persons
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Agenda

Background

Improvement of government regulations is a prime goal of the Bush Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register.** The agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last agenda.

The agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register.** The Department's last agenda was published in the **Federal Register** on October 24, 1988 (53 FR 42157). The next one is scheduled for publication in the **Federal Register** in April 1989.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. A Regulatory Flexibility Analysis is required for a rulemaking which, in the heading "Small Entities Affected," indicates an effect on small businesses, governmental jurisdictions, or organizations. If a Regulatory Flexibility Analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last agenda. However, it should be noted that, after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Regulatory Impact Analysis

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively, that

(1)Is likely to result in:

(a)An annual effect on the economy of $100 million or more;

DOT

(b)A major effect on the general economy in terms of costs, consumer prices, or production;

(c)A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d)Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2)The Secretary or head of the initiating office determines requires such an analysis.

Definitions

The agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

Explanation of Information on the Agenda

The format for this agenda is required by Office of Management and Budget Bulletin No. 86-16 (July 2, 1986).

First, the agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the agenda is divided into four categories: (1) Prerule stage, (2) proposed rule stage, (3) final rule stage, and (4) completed actions. For each entry, the agenda provides the following information: (1) The "significance" of the action (i.e., whether it is significant because it is on the Regulatory Program or because of agency priority; or whether it is nonsignificant or routine and frequent); (2) a short descriptive title; (3) the legal basis for the action being taken or the regulation being reviewed; (4) the related regulatory citation in the Code of Federal Regulations; (5) an indication of any legal deadline and, if so, for what type of action (e.g., NPRM, final rule); (6) an abstract of the review or the proposed or final regulation; (7) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (8) an indication as to whether the rulemaking will affect small entities and/or levels of government and which categories of small entities or governments will be impacted; (9) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (10) a listing, where determined, of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation if a Regulatory Impact Analysis is not prepared.); (11) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the agenda; and (12) a Regulation Identifier Number (RIN) assigned to identify an individual rulemaking in the agenda and facilitate tracing further action on the issue in the **Federal Register** which may occur between agenda publications. (Departmental rulemaking documents published in the **Federal Register** now contain RIN numbers.)

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made

on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the Federal Register would follow within a few days. In addition, these dates are based on current schedules. Information received subsequent to the issuance of this agenda could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

Finally, a dot (●) preceding an entry indicates that the entry appears in the agenda for the first time.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for, or to obtain, copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the Federal Register every year during April and October. By using the agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the Federal Register, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the agenda easier to use. We would also like you, the public, to make suggestions or comments on how the agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from agenda to agenda? Do you find that the format for setting out the information enables you to use the agenda easily? Do you find that the presentation of the information in the agenda is clearly explained in the preamble to the agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the Federal Register to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the Federal Register does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the

agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, DC on March 31, 1989.

Samuel K. Skinner,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

Some Administrations within the Department differ in procedures, or as to inclusion on a mailing list. For the offices listed below, persons desiring to obtain a copy of any regulatory document to be issued, that is listed in this agenda, should communicate, either by telephone or by letter, with the contact person listed with the regulation, at the following addresses:

United States Coast Guard (USCG)

(Name of contact person), United States Coast Guard, 2100 Second Street, SW., Washington, DC 20593.

Federal Highway Administration (FHWA)

(Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590.

Federal Railroad Administration (FRA)

(Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, DC 20590.

National Highway Traffic Safety Administration (NHTSA)

(Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590.

Urban Mass Transportation Administration (UMTA)

(Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, DC 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

(Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street, SW., Room 5424, Washington, DC 20590.

Research and Special Programs Administration (RSPA)

David A. Watson, Training Unit, DHM-51, OHMT/RSPA, 400 7th Street, SW., Washington, DC 20590.

Maritime Administration (MARAD)

James Saari, Secretary, Maritime Administration, 400 Seventh Street, SW., [Room 7300B], Washington, DC 20590, (202) 366-5746.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-267-3479 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-200, 800 Independence Avenue, SW., Washington, DC 20591.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Department's Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, DC 20590, (202) 366-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons interested in a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation-related rulemakings if they so request.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 3600, 2100 Second Street, SW., Washington, DC 20593. Telephone: 202/267-1477.

FAA - John H. Cassady, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915A, Washington, DC 20591. Telephone: 202/267-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, SW., Room 4223, Washington, DC 20590. Telephone: 202/366-1383.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, SW., Room 8201, Washington, DC 20590. Telephone: 202/366-0767.

NHTSA - Steve Kratzke, Office of Chief Counsel, 400 7th Street, SW., Room 5219, Washington, DC 20590. Telephone: 202/366-2992.

UMTA - Linda Hart, Office of Chief Counsel, 400 7th Street, SW., Room 9316, Washington, DC 20590. Telephone: 202/366-4011.

SLSDC - Marc Owen, General Counsel's Office, 400 7th Street, SW., Room 5424, Washington, DC 20590. Telephone: 202/366-0101.

RSPA - Mary Crouter, Office of Chief Counsel, 400 7th Street, SW., Room 8420, Washington, DC 20590. Telephone: 202/366-4367.

MARAD - James Saari, Secretary, Maritime Administration, 400 7th Street, SW., Room 7300B, Washington, DC 20590. Telephone: 202/366-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, SW., Room 10424, Washington, DC 20590. Telephone: 202/366-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand-deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 Second Street, SW., Room 3600, Washington, DC 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., SW., Room 915G, Washington, DC 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, SW., Room 4232, Washington, DC 20590. Working Hours: 8:30-3:30.

FRA - Docket Clerk, 400 7th Street, SW., Room 8201, Washington, DC 20590. Working Hours: 8:30-5:00.

DOT

NHTSA - Docket Room, 400 7th Street, SW., Room 5109, Washington, DC 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, SW., Room 9316, Washington, DC 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, SW., Room 5424, Washington, DC 20590. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, SW., Room 8426, Washington, DC 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, SW., Room 7300, Washington, DC 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, SW., Room 4107, Washington, DC 20590. Working Hours: 9:00-5:30.

Office of the Secretary—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1513	+ Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
1514	+ Escrow/Bond Protection for Airline Tickets	2105-AB26
1515	Overseas Military Personnel Air-Charter Tariffs	2105-AA67
1516	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
1517	Direct Flights	2105-AA73
1518	Cargo Rate Changes on 30 Days' Notice	2105-AA99
1519	Comprehensive Review of CAB Consumer Rules	2105-AB03
1520	Price Advertising	2105-AB25

+ Designates significant regulation.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1521	+ Commercial Space Transportation: Financial Responsibility Requirements for Commercial Space Launch Activity	2105-AA26
1522	+ Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
1523	+ Antidrug Programs for Department of Transportation Contractors	2105-AB40
1524	Nondiscrimination in Federally-Assisted Programs of the Department of Transportation -- State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
1525	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29

+ Designates significant regulation.

Office of the Secretary—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1526	+ Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
1527	+ Electronic Filing of Tariffs	2105-AB00
1528	+ Liberalization of Air-Carrier Charter Rules	2105-AA41
1529	+ Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
1530	+ Certification of Speed-Limit Enforcement	2105-AB22
1531	+ Nondiscrimination on the Basis of Handicap (Commuter Rail Programs)	2105-AB23
1532	+ Statement of Enforcement Policy on Rebating	2105-AB39
1533	+ Procedures for Transportation Workplace Drug-Testing Programs	2105-AB42
1534	+ Essential Air Service; Reductions	2105-AB43
1535	Title VI Civil Rights Regulation	2105-AA02
1536	Minority Business Enterprise Program (Direct Contracting)	2105-AA03
1537	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
1538	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
1539	Airline Time and Mileage Guides	2105-AA39
1540	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
1541	Zones for Airline Mail Rates	2105-AA44
1542	Air Travelers: Age Discrimination	2105-AA45
1543	Policy Statement on Airline Preemption	2105-AA46
1544	Insurance for On-Demand Air-Taxi Operators and Canadian Air Taxis	2105-AA47
1545	Effect of Expiration of a Bilateral on Foreign Air-Carrier Authority	2105-AA68
1546	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
1547	Diversion of Flights Within a Metropolitan Area	2105-AA78

DOT

Office of the Secretary—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1548	Simplified Aviation Exemption Procedures	2105-AA82
1549	Baggage Liability Notices in International Air Transportation	2105-AA84
1550	Simplified Airline Counter-Sign Notices	2105-AA88
1551	Exemption From Prior-Approval Requirements for Certain Transactions	2105-AB20
1552	Counting UMTA Reduced-Fare Program Costs Toward 504 Cost Cap	2105-AB29
1553	Uniform Administrative Requirements for Grants and Cooperative Agreements	2105-AB46

+ Designates significant regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1554	+ Continuing Review: Department-Wide Drug Regulations	2105-AB24
1555	+ Posting of Tariffs – Notice of Contract of Carriage	2105-AB38
1556	Air Carrier Cargo Tariff Publications	2105-AA31
1557	Recovery of Debts to the United States by Salary Offset	2105-AB32
1558	Collection of Claims Owed the United States	2105-AB33

+ Designates significant regulation.

U.S. Coast Guard—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1559	SOLAS 74/83 Emergency Drinking Water and Food Approval Requirements (85-202)	2115-AC48
1560	Hydraulic Release Units for Lifesaving Equipment: SOLAS 74/83 (85-206)	2115-AC52
1561	Revision of Davit and Winch Approval Requirements: SOLAS 74/83 (85-207)	2115-AC53
1562	Radar Reflector Approval Requirements: SOLAS 74/83 (85-209)	2115-AC54
1563	Revision of Lifebuoy Approval Requirements: SOLAS 74/83 (85-210)	2115-AC55
1564	Port Access Routes; Approach to Freeport, Texas (CGD 87-038)	2115-AC78
1565	Oil Discharge Monitoring and Control System (CGD 87-057)	2115-AC85
1566	Marine Transport of Bulk Solid Hazardous Materials (87-069)	2115-AD02
1567	Port Access Routes: Approaches to Chesapeake Bay (88-041)	2115-AD09
1568	Controlling The Marine Asbestos Hazard (88-103)	2115-AD16
1569	Advance Notice of Arrival; Warsaw Pact Nationals (88-104)	2115-AD17

U.S. Coast Guard—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1570	+ Offshore Supply Vessel Regulations (82-004)	2115-AA77
1571	+ Traffic Separation Schemes and Shipping Safety Fairways off the Coast of California (83-032)	2115-AB29
1572	+ Revisions of the Regulations on Outer Continental Shelf Activities (84-098)	2115-AB74
1573	+ Hazardous Materials Pollution Prevention: Bulk Liquids (86-034)	2115-AC29
1574	+ Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
1575	+ User Fees for Coast Guard Services (84-026)	2115-AB73
1576	+ Licensing of Officers and Operators for Mobile Offshore Drilling Units (81-59a)	2115-AB91
1577	+ User Fees: Small Passenger and Sailing School Vessels (CGD 87-020)	2115-AC74
1578	+ Subdivision and Damage Stability of Dry Cargo Vessels (CGD 87-094)	2115-AC87
1579	+ Special Cargo Requirements for Benzene (88-040)	2115-AD08
1580	+ Implementation of the Commercial Fishing-Industry Vessel Safety Act (88-079)	2115-AD12
1581	+ Safety Standards for Vapor Control Systems (88-102)	2115-AD15
1582	Tankerman Requirements (CGD 79-116)	2115-AA03
1583	Fixed Fire-Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08

DOT

U.S. Coast Guard—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1584	Maneuvering Performance Standards for U.S. Vessels (80-136)	2115-AA53
1585	Personal Flotation Devices (81-023)	2115-AA58
1586	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
1587	Pollution-Prevention Regulations for Tankers: General Revisions of 33 CFR 157 (82-030)	2115-AA88
1588	Outer Continental Shelf Facilities: Aids to Navigation (82-054)	2115-AA92
1589	Safety Standards for New Self-Propelled Vessels Carrying Bulk Liquefied Gases (82-058)	2115-AA95
1590	Nautical Schools: Implementing the Maritime Education and Training Act of 1980 (82-092)	2115-AB21
1591	Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
1592	Reassessment of Coast Guard Marine Engineering Regulations -- Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
1593	Marine Portable Tanks (84-043)	2115-AB69
1594	Personal Flotation Device Components (84-068)	2115-AB70
1595	Mobile Offshore Drilling Unit Regulations Revision (83-071a)	2115-AB88
1596	Safety Rules for Ships Carrying Hazardous Liquids (84-085)	2115-AB92
1597	Training in the Use of Automatic Radar Plotting Aids (ARPA) (85-089)	2115-AB99
1598	Certification of Seamen (84-088)	2115-AC02
1599	Exemptions to Gulf Inland Waterways Regulations (85-096)	2115-AC03
1600	Fire Detection and Alarm Systems (85-051)	2115-AC13
1601	Revisions to the Electrical Engineering Regulations (85-063)	2115-AC20
1602	Small Passenger Vessel Inspection and Certification (CGD 85-080)	2115-AC22
1603	Inspected Fish Processing and Fish Tender Vessels (86-026)	2115-AC27
1604	Updating Approval Requirements for Breathing Apparatus (86-036)	2115-AC30
1605	Load Lines (86-013)	2115-AC37
1606	Guidelines on Navigation Bridge Visibility (85-099)	2115-AC42
1607	Fire Extinguishers (Portable and Semi-Portable) - Revising Approval Specifications and Updating Carriage Requirements (86-072)	2115-AC43
1608	SOLAS 74/83 Life Jacket Approval Requirements Revision (85-200)	2115-AC46
1609	SOLAS 74/83 Lifeboat and Rescue Boat Approval Requirements (85-201)	2115-AC47
1610	Revision of Pyrotechnic Distress Signal Approval Requirements: SOLAS 74/83 (85-203)	2115-AC49
1611	Revision of Disembarkation Ladder Approval Requirements: SOLAS 74/83 (85-204)	2115-AC50
1612	Revision to Inflatable Liferaft Approval: SOLAS 74/83 (85-205)	2115-AC51
1613	Revision of Life Jacket Light Approval Requirements: SOLAS 74/83 (85-211)	2115-AC56
1614	Tonnage Measurement of Vessels (87-015b)	2115-AC67
1615	Posting Requirements on Inspected Vessels (87-031)	2115-AC68
1616	Regattas and Marine Parades (CGD 87-087)	2115-AC84
1617	Small Passenger Vessel Manning and Personnel Qualifications (85-080a)	2115-AC93
1618	Lifeboat, Liferaft and Rescue Boat Approval Requirements - SOLAS 74/83 (85-201a)	2115-AC94
1619	Cargo Gear Inspection and Testing (87-089)	2115-AD03
1620	Private Electronic Aids to Maritime Navigation (88-011)	2115-AD04
1621	Incorporation and Adoption of Industry Standards (88-032)	2115-AD05
1622	Requirements for Marine Terminals Transferring Bulk Liquefied Hazardous Gases (88-049)	2115-AD06
1623	Automatic Auxiliary Boilers (88-057)	2115-AD11
1624	Access Documents to Waterfront Facilities (88-097)	2115-AD14
1625	Qualifications for Persons in Charge of Oil Transfer Operations (79-116a)	2115-AD18
1626	Great Lakes Pilotage Regulations (88-111)	2115-AD19
1627	Summons in Lieu of Seizure of Commercial Fishing-Industry Vessels (CGD 89-003)	2115-AD20
1628	Regulated Navigation Areas; Brownsville Ship Channel (8-89-01)	2115-AD21

+ Designates significant regulation.

U.S. Coast Guard—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1629	+ Joint U.S.-Canada Vessel Traffic Management Regulations for the Pacific Region (79-131)	2115-AA39
1630	+ Licensing of Pilots-Manning of Vessels (84-060)	2115-AB67
1631	+ Offshore Evacuation Procedures (84-098(b))	2115-AC41
1632	+ Prevention of Pollution by Plastics, Annex V of MARPOL(88-002)	2115-AC89
1633	Hopper Dredge Working Freeboard - Load Line and Stability Requirements (76-080)	2115-AA11
1634	Dealer and First-Purchaser List (77-115)	2115-AA16
1635	Standards for Vessel Piping Systems (77-140)	2115-AA17
1636	Hybrid Personal Flotation Devices: Establishment of Approval Requirements (78-174)	2115-AA29

DOT

U.S. Coast Guard—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1637	Offshore Cranes: Standards and Operator Qualifications (79-059)	2115-AA34
1638	Launching Devices for Inflatable Liferafts (79-168)	2115-AA45
1639	General Bridge Permit Regulations (81-057)	2115-AA61
1640	Pollution Rules for Ships Carrying Hazardous Liquids (81-101)	2115-AA73
1641	Safety/Security Zone Regulations	2115-AA97
1642	Anchorage Area Regulations	2115-AA98
1643	Carriage and Use of Liquefied or Nonliquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35
1644	Oil Pollution Prevention, MARPOL Annex I (85-026)	2115-AC11
1645	Performance Standards and Approval Procedures for Inflatable Life Jackets (78-174b)	2115-AC16
1646	Intervals for Internal Examination and Hydrostatic Testing of Pressure Vessel Type Cargo Tanks (85-061)	2115-AC18
1647	Revised Approval Specifications for Noncombustibles and Prohibition of Asbestos for Commercial Vessels (86-035)	2115-AC32
1648	Cargo Lists and Tables Update (CGD 88-100 and 88-100a)	2115-AC35
1649	Advance Notice of Arrival (CGD 86-055)	2115-AC58
1650	Alternative Provisions for Reinspections of Offshore Supply Vessels in Foreign Ports (CGD 82-004a)	2115-AC86
1651	Delegation of Authority to Area Commanders When Functioning as Maritime Defense Zone Commanders (CGD 87-065)	2115-AC88
1652	Floating Electric Waterlights (85-208)	2115-AC95
1653	Anchorage Regulations (86-079)	2115-AC96
1654	Aids to Navigation System, Removal of References (88-018)	2115-AC97
1655	Documentation of Vessels - Controlling Interest (88-031)	2115-AC99
1656	Civil Appeals Procedures (88-033)	2115-AD00
1657	Mississippi River; Regulated Navigation Area (88-075)	2115-AD07
1658	Disestablishment of Vessel Traffic Service: New Orleans (88-056)	2115-AD10
1659	Written Warnings By Coast Guard Law Enforcement Officials (88-074)	2115-AD13

+ Designates significant regulation.

U.S. Coast Guard—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1660	+ Licensing of Maritime Personnel (CGD 81 - 059)	2115-AA64
1661	+ Programs for Chemical Drug and Alcohol Testing of Commercial Vessel Personnel (CGD 86-067)	2115-AC45
1662	+ Regulations for Self-Elevating Offshore Service and Support Vessels (CGD 86-074)	2115-AC63
1663	Inflatable Liferaft Stability (80-113)	2115-AA50
1664	Servicing Inflatable Liferafts (81-010)	2115-AA57
1665	Boating Casualty and Accident Reporting; Accident Reporting Thresholds (82-015)	2115-AA82
1666	46 CFR Subchapter 1. Editorial Revisions and Corrections (86-033)	2115-AC28
1667	Uninspected Fish-Processing Vessels (86-025)	2115-AC34
1668	Incorporations by Reference, Voluntary Industry Standards (CGD 87-046)	2115-AC72
1669	Electrical System Standard (CGD 87-009)	2115-AC73
1670	Port Access Routes; Approach to Mobile, Alabama (CGD 88-034)	2115-AC81
1671	Documentation of Vessels - Codification of Law (88-030)	2115-AC98
1672	Suspension of Barrel Fees(88-050)	2115-AD01

+ Designates significant regulation.

Federal Aviation Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1673	+ Implementation of Crashworthy Fuselage Fuel Tanks and Fuel Lines	2120-AC87
1674	Review: Part 21--Certification Procedures for Products and Parts	2120-AB09
1675	Review: Part 121 -- Certification and Operations: Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
1676	Review: Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28
1677	Flight Engineer Training	2120-AA79
1678	Instrument Flight Rule Requirements	2120-AA82

DOT

Federal Aviation Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1679	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
1680	Composite Propellers	2120-AB05
1681	Aircraft Registration; Recording of Aircraft Titles and Security Documents	2120-AC17
1682	Temporary Flight Restrictions	2120-AC40
1683	Airport Radar Service Area (ARSA) Clarification - Two-Way Radio Communications	2120-AC89

+ Designates significant regulation.

Federal Aviation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1684	+ Review of Parts 61, 141, 143 - Pilot, Pilot School, and Ground Instructor Rules	2120-AB12
1685	+ Review and Revision of Repair Station Requirements	2120-AC38
1686	+ Metropolitan Washington Airports Policy	2120-AA89
1687	+ Crash Resistant Fuel Systems in Small Airplanes	2120-AA57
1688	+ Airplane Cabin-Fire Protection	2120-AB22
1689	+ Primary Category Aircraft	2120-AB53
1690	+ Proposed Revision of Noise Certification of Turbojet and Large Transport Category Aircraft	2120-AB88
1691	+ Noise and Emission Standards for Aircraft Powered by Advanced Turboprop (Propfan) Engines	2120-AC20
1692	+ SST Stage 3 Compliance	2120-AC22
1693	+ Flight Attendant Requirements During Deplaning and Boarding	2120-AC32
1694	+ Type and Number of Passenger Emergency Exits Required in Transport Category Airplanes	2120-AC43
1695	+ Improved Access to Type III and Type IV Emergency Exits	2120-AC46
1696	+ Pilots Convicted of Driving While Intoxicated (DWI)/Under Influence (DUI)	2120-AC51
1697	+ Flight Plan Filing Requirements; National Airspace Review Recommendation	2120-AC56
1698	+ Exit Row Seating	2120-AC75
1699	+ Parts 121 and 135 - Training, Checking, Certification, and Qualifications Requirements	2120-AC79
1700	+ Advanced Qualification Program	2120-AC80
1701	+ Special Federal Aviation Regulation; Advanced Qualification Program	2120-AC85
1702	+ United States Control Area	2120-AC88
1703	+ Establishment and Discontinuance Criteria for Airport Traffic Control Tower Facilities	2120-AC98
1704	+ Proposed Establishment of the Phoenix Terminal Control Area and Revocation of the Phoenix Airport Radar Service Area; Arizona	2120-AD00
1705	+ Proposed Establishment of the Dulles Terminal Control Area: Virginia	2120-AD01
1706	+ Proposed Establishment of the Salt Lake City Terminal Control Area	2120-AD02
1707	+ Proposed Establishment of the Orlando, Florida, Terminal Control Area	2120-AD03
1708	+ Proposed Establishment of the Houston Hobby Terminal Control Area	2120-AD04
1709	+ Proposed Establishment of the Memphis, Tennessee, Terminal Control Area	2120-AD05
1710	+ Proposed Establishment of the Baltimore, Maryland, Terminal Control Area	2120-AD06
1711	+ Proposed Establishment of the Tampa, Florida, Terminal Control Area	2120-AD07
1712	+ Proposed Establishment of the Charlotte, North Carolina, Terminal Control Area	2120-AD08
1713	Review of Medical Standards and Certification Procedures	2120-AA70
1714	Review Part 75 for Retention or Revocation	2120-AC55
1715	Part 91, Subpart B, Review for Simplification	2120-AA07
1716	Part 77 Review, Objects Affecting Navigable Airspace	2120-AA09
1717	Fuel System Fire Protection	2120-AA49
1718	Aircraft Simulator Use in Airman Training and Certification	2120-AA83
1719	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
1720	Transport Category Rotorcraft Performance	2120-AB36
1721	Miscellaneous Operational Amendments	2120-AB45
1722	Part 101 Review Program	2120-AB75
1723	Engine Fuel and Induction Systems	2120-AB76
1724	Amend Section 43.17 to Allow for Maintenance of U.S. Aeronautical Products in Canada in Compliance with the U.S.-Canadian Bilateral Airworthiness Agreement	2120-AB89
1725	New Rotorcraft Emergency Power Ratings	2120-AB90
1726	Turboshaft Engine Rotor Burst Protection	2120-AB91
1727	Antiblocking Device	2120-AB92
1728	Airspace Reclassification	2120-AB95
1729	Type Certification Basis for Product Type Design Change	2120-AC05
1730	Part 23 Airworthiness Review, Notice No. 5 (Equipment, Systems, and Installation)	2120-AC14

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Federal Aviation Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1731	Part 23 Airworthiness Review, Notice No. 2	2120-AC15
1732	Regulatory Changes Based on European Joint Airworthiness Requirements Proposal	2120-AC27
1733	Miscellaneous Changes to Emergency Evacuation Demonstration Procedures, Exit Handle Illumination, and PA Handsets	2120-AC45
1734	Global Positioning System Use in Terminal Control Areas	2120-AC54
1735	Non-Federal Air Traffic Control Towers	2120-AC59
1736	Proposed Revision of Part 93, Subpart O(JAX)	2120-AC65
1737	Shoulder Harness for Each Seat in Parts 27 and 29 Rotorcraft	2120-AC67
1738	Rotorcraft Crash Resistant Fuel Systems	2120-AC68
1739	Electrical and Electronic Systems Lightning Protection	2120-AC81
1740	Landing Gear Aural Warning	2120-AC82
1741	Ketchikan International Airport Traffic Rule, Part 93, Subpart M	2120-AC90
1742	Air Traffic Control Clearance Readback	2120-AC91
1743	Very High Frequency Omnirange Station (VOR) Federal Airway No. 16, Part 93, Subpart E	2120-AC92
1744	Location of Marks on Fixed-Wing Aircraft and Airships	2120-AC99

+ Designates significant regulation.

Federal Aviation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1745	+ Commuter Category Airplanes: Cockpit Voice Recorder (CVR) and Flight Data Recorder (FDR) Requirements	2120-AC48
1746	+ Certification of Recreational Pilots and Annual Flight Review	2120-AA54
1747	+ Transport Category Rotorcraft Structural Fatigue Evaluation	2120-AA84
1748	+ Occupant Restraint in Normal and Transport Category Rotorcraft	2120-AB35
1749	+ Elimination of Airport Delays	2120-AB42
1750	+ Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50
1751	+ Independent Power Source for Public Address System in Transport Category Airplanes	2120-AB77
1752	+ Transponder Requirements in Coastal Air Defense Identification Zones (ADIZ)	2120-AB99
1753	+ Location of Passenger Emergency Exits in Transport-Category Airplanes	2120-AC29
1754	+ Design Standards for Fuel-Tank Access Panels	2120-AC58
1755	+ Improved Survival Equipment for Inadvertent Water Landings	2120-AC72
1756	+ Retrofit of Improved Seats in Air Carrier Transport Category Airplanes	2120-AC84
1757	+ Minimum Equipment List (MEL) Requirements	2120-AC86
1758	+ High-Density-Traffic Airports Slot Allocation and Transfer Methods	2120-AC96
1759	Revision of Part 91	2120-AA13
1760	Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
1761	Transport Category Airplane Airworthiness Standards	2120-AA47
1762	Miscellaneous Amendments	2120-AA50
1763	Fatigue Requirements for Small Airplanes	2120-AA58
1764	National Airspace Review (NAR): Terminal Airspace Task Group Recommendations	2120-AB02
1765	Nighttime VFR Weather Minimums	2120-AB04
1766	Airworthiness Standards: Aircraft Engines, Electrical and Electronic Engine Control Systems	2120-AB06
1767	Standards for Approval of a Reduced V1 Methodology for Takeoff on Wet and Contaminated Runways	2120-AB17
1768	Low-Fuel-Quantity Alerting System	2120-AB46
1769	Construction, Alteration, Activation, and Deactivation of Airports	2120-AB74
1770	Helicopter Instrument Flight	2120-AB87
1771	Controlled Air Space Designations in International Air Space	2120-AB93
1772	Passenger-Carrying and Cargo Air Operations for Compensation or Hire	2120-AC08
1773	Improved Structural Requirements for Pressurized Cabins and Compartments in Transport Category Airplanes	2120-AC44
1774	Fuel Venting and Exhaust-Emission Requirements for Turbine-Engine Powered Airplanes	2120-AC62
1775	Realignment of Restricted Areas in the Eglin AFB Area	2120-AC63
1776	Indemnification of Publishers of Aeronautical Charts and Maps	2120-AC73
1777	Commuter Category - Response to Final Rule Comments	2120-AC77
1778	Part 95 Instrument Flight Rules	2120-AA63
1779	Airworthiness Directives	2120-AA64
1780	Standard Instrument Approach Procedures	2120-AA65
1781	Airspace Actions	2120-AA66

+ Designates significant regulation.

DOT

Federal Aviation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1782	+ Low-Altitude Windshear Equipment Requirements for Takeoffs/Landings of Transport Category Airplanes	2120-AA01
1783	+ Anti-Drug Program for Personnel Engaged in Specified Aviation Activities	2120-AC33
1784	+ Installation of Traffic Control Avoidance System in Domestic Transport Category Airplanes	2120-AC34
1785	+ Revision of Foreign Repair Station Rules	2120-AC50
1786	+ Inoperative Instruments or Equipment	2120-AA19
1787	+ Proposed Department of Energy Prohibited Areas	2120-AB39
1788	+ Proposed Revision to Noise Certification Standards for Propeller-Driven Small Airplanes	2120-AB47
1789	+ Flight Attendant Flight-Time Limitations and Rest Requirements	2120-AB97
1790	+ Flight Plan and Transponder-On Requirements in Air Defense Identification Zones (ADIZ)	2120-AC00
1791	+ Fire Protection Requirements for Cargo and Baggage Compartments - Parts 121 and 135	2120-AC04
1792	+ Terminal Control Area Classification and Pilot/Equipment Requirements	2120-AC35
1793	+ Part 129 Security Program for Foreign Air Carriers	2120-AC42
1794	+ Access To Secured Areas of Airports	2120-AC69
1795	+ Smoking Aboard Aircraft	2120-AC83
1796	Rules of Practice: FAA Civil Penalty Assessment Actions	2120-AC74
1797	Airport-Related Proceedings	2120-AC78
1798	Responsibilities of Manufacturers of Parts and Products Produced Under a Production Certificate	2120-AC93
1799	Applicability of Federal Aviation Regulations in the Airspace Overlying the Waters Between 3 and 12 Nautical Miles From the United States Coast	2120-AC94
1800	Establishment of Warning Areas in the Airspace Overlying the Waters Between 3 and 12 Nautical Miles from the United States Coast	2120-AC95
1801	State Block Grant Pilot Program	2120-AC97

+ Designates significant regulation.

Federal Highway Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1802	+ Commercial Driver's License Standards; Biometric Identifier	2125-AC24
1803	Review and Preemption of State Motor-Carrier Safety Regulations	2125-AC11
1804	Minimum Levels of Financial Responsibility for Motor Carriers: Self-Insurance	2125-AB65
1805	Federal Motor Carrier Safety Regulations; Paperwork Burdens	2125-AC04
1806	Inspection, Repair and Maintenance; Brake Inspection	2125-AC25
1807	Federal Motor Carrier Safety Regulations; General; Commercial Motor Vehicle Definition	2125-AC27

+ Designates significant regulation.

Federal Highway Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1808	+ Private Carriage of Passengers	2125-AB62
1809	+ Truck Size and Weight; Reasonable Access	2125-AB70
1810	+ Commercial Driver's License Standards; Disqualification	2125-AC19
1811	+ Labor and Employment	2125-AB37
1812	+ Federal Motor Carrier Safety Regulations; General; Motor Vehicle Marking	2125-AC28
1813	Review: General Materials Requirements	2125-AA19
1814	State Highway Agency Construction Contracts; Equal Opportunity Compliance Review; Program Requirements	2125-AB08
1815	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)	2125-AB15
1816	Federal-Aid Programs Approval and Project Authorization	2125-AB18
1817	Administration of Contracts	2125-AB30
1818	Right-of-Way	2125-AB58
1819	Property Management, Disposals and Airspace	2125-AB60
1820	Qualification of Drivers; Diabetes	2125-AB91
1821	Advance Construction of Federal-Aid Projects	2125-AC07
1822	Construction Engineering Costs	2125-AC09
1823	Acquisition of Real Property for Rights-of-Way	2125-AC17
1824	Environmental Impact and Related Procedures; Constructive Use	2125-AC18

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National Highway Traffic Safety Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1859	+ Uniform Tire-Quality Grading	2127-AA52
1860	+ Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection - Chest Injury Criteria and Mandatory Use of the Part 572(E) Dummy in the Standard Compliance Testing	2127-AC13
1861	+ Rollover	2127-AC64
1862	+ Federal Motor Vehicle Safety Standard No. 102, Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect	2127-AC74
1863	+ Federal Motor Vehicle Safety Standard No. 102, Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect	2127-AC75
1864	+ Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC78
1865	+ Federal Motor Vehicle Safety Standard No. 201, Occupant Protection in Interior Impact	2127-AC84
1866	+ Federal Motor Vehicle Safety Standard No. 205, Glazing Materials	2127-AC85
1867	+ Federal Motor Vehicle Safety Standard No. 301, Fuel-System Integrity	2127-AC89
1868	+ Reconsideration of 1989 Passenger-Car Fuel-Economy Standard	2127-AC91
1869	Review: Schoolbus Seating Systems	2127-AA65
1870	Review: Lamps, Reflective Devices, and Associated Equipment	2127-AB76
1871	Review: Impact Protection for the Driver from the Steering Control System	2127-AB78
1872	Review: Roof Crush Resistance and Door Locks and Door Retention Components	2127-AC20
1873	Occupant Protection In Interior Impact	2127-AB16
1874	Federal Motor Vehicle Safety Standard No. 301 - Fuel-System Integrity	2127-AB43
1875	Supplemental FMVSS No. 208 Injury Criteria - Facial Lacerations, Neck Injury, Knee Shear, Tibia and Ankle Injuries	2127-AC12
1876	Federal Motor Vehicle Safety Standard (FMVSS) No. 205, Glazing Materials	2127-AC38
1877	Federal Motor Vehicle Safety Standard No. 208 - Occupant Crash Protection	2127-AC57
1878	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AC58
1879	Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment - Proposed Amendment to Permit the 9007 Bulb for Headlamps	2127-AC59
1880	Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC61
1881	Brake Lining	2127-AC66
1882	Battery Explosions	2127-AC67
1883	Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC77
1884	Federal Motor Vehicle Safety Standard No. 120, Tire Selection and Rims for Vehicles Other Than Passenger Cars	2127-AC79
1885	Federal Motor Vehicle Safety Standard No. 121, Air-Brake Systems	2127-AC80
1886	Federal Motor Vehicle Safety Standard No. 121, Air-Brake Systems	2127-AC81
1887	Establish a Standard for Safe Entry and Exit Requirements for Commercial Vehicles	2127-AC82
1888	Tractor-Trailer Fifth Wheel; False Latching	2127-AC83
1889	Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection	2127-AC86
1890	Federal Motor Vehicle Safety Standard No. 213, Child Seating Systems	2127-AC87
1891	Pedestrian Head-Protection Standard	2127-AC90
1892	Federal Motor Vehicle Theft Prevention Standard	2127-AC92
1893	Federal Motor Vehicle Safety Standard No. 202, Head Restraints	2127-AC93
1894	Federal Motor Vehicle Safety Standard No. 105, Hydraulic Brake	2127-AC94

+ Designates significant regulation.

National Highway Traffic Safety Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1895	+ Commercial Vehicle Conspicuity	2127-AA12
1896	+ Side-Impact Protection, Head/Neck Protection, and Occupant Ejection Mitigation	2127-AB85
1897	+ Lighting Simplification--Potential Amendments on Long-Term Issues to Simplify Federal Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices, and Associated Equipment	2127-AB87
1898	+ Post 1991 Light Truck Fuel Economy Standards	2127-AC51
1899	+ Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
1900	+ Federal Motor Vehicle Safety Standard No. 302, Flammability of Interior Materials	2127-AA44
1901	+ Heavy Trailer Stability	2127-AB42
1902	+ Side-Impact Protection -- Light Trucks, Vans, and Multipurpose Passenger Vehicles	2127-AC43
1903	+ Federal Motor Vehicle Safety Standard No. 217, Bus Window Retention and Release	2127-AC88
1904	Procedures for Considering Environmental Impacts	2127-AB79
1905	Voluntary Vehicle Identification Standard (Theft Prevention Standard)	2127-AB93
1906	Anthropomorphic Test Dummies Representing Children	2127-AB94
1907	Anthropomorphic Test Dummies Representing Children	2127-AC09

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National Highway Traffic Safety Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1908	Anthropomorphic Test Dummies Representing Children	2127-AC10
1909	Federal Motor Vehicle Safety Standard No. 205, Glazing Materials	2127-AC14
1910	New Non-Pneumatic Tires for Passenger Cars, Tire Selection, and Rims	2127-AC18
1911	Federal Motor-Vehicle Safety Standard No. 221, Schoolbus Body Joint Strength	2127-AC19
1912	Bumper Standard	2127-AC30
1913	Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection	2127-AC36
1914	Odometer Disclosure Requirements	2127-AC42
1915	Federal Motor Vehicle Safety Standard No. 118 - Power-Operated Window Systems	2127-AC52
1916	Federal Motor Vehicle Safety Standard No. 106 - Brake Hoses	2127-AC55
1917	Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment - Proposed Amendment to Permit a New, Small, Sealed-Beam Headlamp	2127-AC60
1918	Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AC62
1919	Comprehensive Review of Visibility Topics	2127-AC69
1920	Confidential Business Information	2127-AC95
1921	Registered Importers of Nonconforming Vehicles	2127-AC97
1922	Schedule of Fees Authorized by the Imported Vehicle Safety Compliance Act	2127-AC98
1923	Nonconforming Vehicles: Eligibility for Importation	2127-AC99
1924	Importation of Vehicles and Equipment Subject to Federal Motor Vehicle Safety Standards	2127-AD00

+ Designates significant regulation.

National Highway Traffic Safety Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1925	+ Crashworthiness Ratings	2127-AA03
1926	+ Truck Rear Underride Protection	2127-AA43
1927	+ Pedestrian Protection	2127-AA45
1928	+ Anthropomorphic Test Dummies: Side-Impact Thorax Protection	2127-AA48
1929	+ Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21
1930	+ Post-1988 Passenger-Car Fuel-Economy Standards	2127-AB75
1931	+ Side-Impact Protection: Thorax Protection	2127-AB86
1932	+ Part 544, Motor Vehicle Theft Prevention; Reporting Requirements for Motor Vehicle Rental and Leasing Companies	2127-AC32
1933	+ Federal Motor Vehicle Safety Standard No. 108 - Lighting Simplification - Potential Amendments - Near-Term Issues	2127-AC53
1934	+ Federal Motor Vehicle Safety Standard No. 105, Hydraulic Brake System, and Federal Motor Vehicle Safety Standard No. 135, Passenger-Car Brake System	2127-AA13
1935	+ Vehicle Classification	2127-AA57
1936	+ Federal Motor Vehicle Safety Standard No. 222; Schoolbus Seating and Crash Protection	2127-AB84
1937	+ Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection - Rear Seat Lap/Shoulder Belts	2127-AB91
1938	+ Head Restraints	2127-AC06
1939	+ Standard No. 108, Lamps, Reflective Devices, and Associated Equipment	2127-AC22
1940	Rearview Mirror Systems: Heavy Vehicles	2127-AA21
1941	Rearview Mirror Systems: Light Vehicles	2127-AA23
1942	Air-Brake Systems	2127-AA27
1943	Part 571.3 - Definitions - Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
1944	Rearview Mirrors	2127-AA88
1945	Seat-Belt-Assembly Anchorages	2127-AA95
1946	Air-Brake Systems	2127-AB12
1947	Gear Lock; Theft Protection	2127-AC24
1948	Bumper Standard	2127-AC29
1949	FMVSS No. 208 Occupant Crash Protection	2127-AC49
1950	Federal Motor Vehicle Safety Standard No. 105 - Hydraulic Brake Systems	2127-AC50
1951	Federal Motor Vehicle Safety Standard No. 102 - Transmission Shift-Lever Sequence, Starter Interlock, and Transmission Braking	2127-AC54
1952	Federal Motor Vehicle Safety Standard No. 107 - Reflecting Surfaces - Passenger Cars, Multipurpose Passenger Vehicles, Trucks, and Buses	2127-AC56
1953	Federal Motor Vehicle Safety Standard No. 115 - Vehicle Identification Number and Part 567 - Certification Regulation	2127-AC65
1954	Federal Motor Vehicle Safety Standard No. 108 - Lamps, Reflective Devices, and Associated Equipment	2127-AC68

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National Highway Traffic Safety Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
1955	Consumer Information Regulations	2127-AC72
1956	Federal Motor Vehicle Safety Standard No. 105, Hydraulic Brake Systems and Federal Motor Vehicle Safety Standard No. 121, Air Brake Systems	2127-AC76
1957	Final Listing of High Theft Lines for 1989 Model Year; Motor Vehicle Theft Prevention Standard	2127-AC96

+ Designates significant regulation.

National Highway Traffic Safety Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1958	+ Voluntary Tire Registration	2127-AB18
1959	+ Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection - Chest Injury Criteria	2127-AC34
1960	+ Passenger-Car Brake Systems	2127-AC63
1961	Review: Seating Systems	2127-AA69
1962	Federal Motor Vehicle Safety Standard -- Rear-View Mirrors - Sure-View Petition	2127-AC46

+ Designates significant regulation.

Federal Railroad Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1963	+ Review of Radio Communication	2130-AA34
1964	Review: Regulatory Flexibility Act Reviews	2130-AA10
1965	Review of Locomotive Cab Safety	2130-AA32
1966	Review: Special Safety Inquiry; Power Brake Regulations	2130-AA40
1967	Interior Noise Standards for On-Track Sleeping Quarters	2130-AA52

+ Designates significant regulation.

Federal Railroad Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1968	+ Rail-Highway Grade-Crossing Safety	2130-AA27
1969	+ Jurisdictional Conformity Amendments	2130-AA50
1970	+ Locomotive Operator; Qualification Standards	2130-AA51
1971	+ Train Operation Event Recorders	2130-AA53

+ Designates significant regulation.

Federal Railroad Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1972	+ Railroad Accident/Incident Reports Classification and Notification of Right to Submit Employee Supplements	2130-AA44
1973	+ Railroad Operating Practices -- Protection of On-Track Sleeping Quarters	2130-AA46
1974	+ Railroad Operating Practices; Procedures for Bridge-Worker Safety	2130-AA48
1975	+ Safety Enforcement Procedures; Disqualification of Employees	2130-AA49

+ Designates significant regulation.

DOT

Federal Railroad Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1976	+ Informal Safety Inquiry and Rulemaking; Control of Alcohol and Drug Use in Railroad Operations	2130-AA43
1977	+ Amendments to Railroad Safety Regulations to Increase the Maximum Civil Penalties and to Make Civil Penalties Available Against Individuals	2130-AA47
1978	+ Certification of Predeparture Inspections of Signal Devices Mounted on Locomotives	2130-AA54
1979	+ Prohibiting Tampering with Safety Devices Mounted on Locomotives	2130-AA55
1980	Adjustment of Monetary Threshold for Reporting Accidents/Incidents	2130-AA42

+ Designates significant regulation.

Urban Mass Transportation Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
1981	+ Major Capital Investment Projects	2132-AA22
1982	+ Implementation of Section 19 of the Urban Mass Transportation Act of 1964 as Amended -- Nondiscrimination	2132-AA01
1983	School Bus Operations	2132-AA09
1984	Bus Testing Guidelines	2132-AA30

+ Designates significant regulation.

Urban Mass Transportation Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
1985	+ "Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15
1986	Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
1987	Capital Leases	2132-AA28
1988	Pre-Award and Post-Delivery Audits of Rolling-Stock Purchases	2132-AA29
1989	Project Management Oversight	2132-AA31

+ Designates significant regulation.

Urban Mass Transportation Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
1990	+ Control of Drug Use in Federally Funded Mass Transportation Operations	2132-AA33
1991	+ Charter Service Amendment	2132-AA32

+ Designates significant regulation.

Research and Special Programs Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1992	+ Registration of Shippers and Carriers of Hazardous Materials	2137-AB43
1993	+ OST-FAA Information Rules: Standardized Regulatory Flexibility Requirements	2137-AB16
1994	Review of Commuter Air Traffic and Market Data Reporting	2137-AB18
1995	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
1996	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
1997	Quality Assurance for Radioactive Materials Shippers	2137-AA30
1998	DOT Specification 51 Portable Tanks	2137-AA36
1999	Airline Revenue/Nonrevenue, First Class/Business Class/Coach Passengers: Revised Definitions	2137-AB00

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Research and Special Programs Administration—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2000	Subsidized Commuter Carriers and Foreign Air Carriers: Records and Retention Periods	2137-AB04
2001	Fumigation	2137-AB41
2002	Conforming Gas and Liquid Pipeline Welding Standards: Final Phase	2137-AB45
2003	Operation of Existing Rural and Offshore Gas Pipelines at Stress Levels Higher than Permitted for New Pipelines	2137-AB53
2004	Transportation of Radioactive Materials	2137-AB59
2005	Annual Report for Hazardous Liquid Pipelines	2137-AB62
2006	Transportation of Hydrogen Sulfide by Pipeline	2137-AB63

+ Designates significant regulation.

Research and Special Programs Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2007	+ Training for Hazardous Materials Transportation	2137-AB26
2008	+ Recodification of Explosive Regulations	2137-AA93
2009	+ Gas Gathering Line Definition	2137-AB15
2010	+ Proposals for Pipeline Safety	2137-AB27
2011	+ Hazardous Materials in Intrastate Commerce	2137-AB37
2012	+ Pipeline Operator Qualifications	2137-AB38
2013	+ Highway Routing Standards for Certain Types and Quantities of Hazardous Materials	2137-AB42
2014	+ Operation and Maintenance Procedures for Gas Pipelines	2137-AB44
2015	+ Pressure Testing Existing Hazardous Liquid Pipelines	2137-AB46
2016	+ Maps and Records of Pipeline Location and Characteristics; Notification of State Agencies; Pipe Inventory	2137-AB48
2017	+ Pipeline Safety Grant Program: Minimum Requirements for One-Call Systems	2137-AB66
2018	Carriage of Hazardous Materials by Motor Vehicle	2137-AA07
2019	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
2020	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
2021	Consolidation of Specifications for High-Pressure Seamless Cylinders and Rewrite of 49 CFR 173.34	2137-AA92
2022	Enforcement of Motor Carrier Financial Responsibility Requirements	2137-AB35
2023	Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Detection Flaws, and Other Defects of Tank Car Tanks	2137-AB40
2024	Gas Detection and Monitoring in Compressor Station Buildings	2137-AB49
2025	Determining the Extent of Corrosion on Exposed Gas Pipelines	2137-AB50
2026	DOT 3AL Aluminum Cylinders; Safety Problems	2137-AB51
2027	Revision of Operating Requirements for Rail Carriage	2137-AB55
2028	Revision of RSPA Form 41 Report for Changes in GAAP-FAS 95 Statement of Cash Flows	2137-AB57
2029	Elevated Temperature Materials	2137-AB58
2030	Transportation Regulations; Compatibility with the International Atomic Energy Agency	2137-AB60
2031	Retest Requirements for DOT 8 and 8AL Cylinders	2137-AB61
2032	Vegetation Surveys	2137-AB64
2033	Pressure Regulators Subject to Inspection and Testing	2137-AB65
2034	Alternative Weld Defect Acceptance Criteria	2137-AB67
2035	Updating References to API 5L	2137-AB69
2036	Revised Pipeline Reporting and Enforcement Rules	2137-AB70
2037	Passage of Internal Inspection Devices	2137-AB71
2038	Transportation of Carbon Dioxide by Pipeline	2137-AB72

+ Designates significant regulation.

Research and Special Programs Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2039	+ Performance-Oriented Packaging Standards	2137-AA01
2040	+ Requirements for Cargo Tanks	2137-AA42
2041	+ Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
2042	+ Natural Gas and Hazardous Liquid Pipeline Damage Prevention Program	2137-AB47
2043	Use of Interested Inspectors for Cylinder Inspections	2137-AA08

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Research and Special Programs Administration—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2044	Odorization of LP Gas	2137-AA25
2045	Transportation of Hazardous Materials; Miscellaneous Amendments	2137-AA44
2046	Quantity Limitations Aboard Aircraft	2137-AA85
2047	Emergency Response Communication Standards	2137-AA88
2048	Hazardous Materials: Uranium Hexafluoride	2137-AB10
2049	Confirmation or Revision of Maximum Allowable Operating Pressure; Alternate Method	2137-AB20
2050	Rear Bumpers on Cargo Tank Trucks	2137-AB34
2051	Standards for Construction of Fireworks and Novelties; Approval for Transportation	2137-AB36
2052	Etiologic Agents; Proposal to Remove the 50 Milliliter Exception	2137-AB56
2053	Updating References to API 1104	2137-AB68
2054	Exceptions for Specified Quantities of Radioactive Materials	2137-AB73

+ Designates significant regulation.

Research and Special Programs Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2055	+ Collection of Service Segment Data and Charter Data from Foreign Air Carriers	2137-AA97
2056	+ Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2137-AA99
2057	+ Collection of Service Segment Data and Charter Data from U.S. Air Carriers	2137-AB01
2058	+ Control of Drug Use in Natural Gas, Liquefied Natural Gas, and Hazardous-Liquid Pipeline Operations	2137-AB54
2059	+ Collection of Financial Information from the Commuter Air Carrier Industry	2137-AA98
2060	Definition of a Flammable Solid	2137-AA05
2061	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
2062	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
2063	Exception from Pressure Testing Non-Welded Tie-In Joints	2137-AB19
2064	Deletion of Standards Affecting Iron and Copper Pipe and Other Materials	2137-AB24
2065	Shippers: Use of Tank-Car Tanks with Localized Thin Spots	2137-AB39
2066	Implementation of the ICAO Technical Provisions	2137-AB74

+ Designates significant regulation.

Maritime Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2067	+ Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA62
2068	+ Procedures Governing the Evaluation of Bids for the Carriage of Preferred Cargoes on Subsidized Vessels	2133-AA77
2069	Regulations and Minimum Standards for State, Territorial, or Regional Maritime Academies and Colleges	2133-AA57

+ Designates significant regulation.

Maritime Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2070	+ Procedures Relating to the Conduct of Hearings Under the Merchant Marine Act, 1936	2133-AA20
2071	+ Cargo Preference -- Implementation of P.L. 99-198	2133-AA55
2072	Requirements for Conducting Vessel Subsidy Condition Surveys and for Accomplishing Subsidized Vessel Maintenance and Repairs	2133-AA64
2073	Cargo Preference -- U.S.-Flag Vessels; Department of Defense Sponsored and Generated Oceanborne Cargoes	2133-AA69
2074	Approval of Vessel Charters to Noncitizens	2133-AA73
2075	Federal Income Tax Aspects of the Capital Construction Fund	2133-AA78

DOT

Maritime Administration—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number

+ Designates significant regulation.

Maritime Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2076	+ Cargo Preference, U.S.-Flag Vessels: Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
2077	+ Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Services; Exclusion of Commercial Cargoes Reserved for U.S.-Flag Carriers	2133-AA66
2078	+ Regulated Transactions Involving Documented Vessels and other Maritime Interests	2133-AA79
2079	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
2080	Capital Construction Fund	2133-AA65

+ Designates significant regulation.

Maritime Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2081	Marine Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements	2133-AA51
2082	General Procedures for Determining Operating Differential Subsidy for Liner Vessels	2133-AA67
2083	Operating-Differential Subsidy for Bulk Cargo Vessels Engaged in Worldwide Service	2133-AA68

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Office of the Secretary (OST)

1513. + CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: None

Legal Deadline: None

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368	07/25/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA98

1514. + ESCROW/BOND PROTECTION FOR AIRLINE TICKETS

Significance: Agency Priority

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This petition, filed by Mr. Theodore Harris, addresses the problem of airline passengers whose airline goes bankrupt after they bought their ticket but before they use it. The petitioner asks that airlines be required to protect such "unearned revenue" by escrowing it or by posting a bond in an amount equal to 150% of average unearned revenue. Exemptions could be granted to airlines which file evidence of ticket insurance plans or which enter into agreements with other airlines to accept the tickets of bankrupt carriers. This rulemaking is considered significant because of substantial public interest.

DOT—OST

Prerule Stage

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 44304)	08/27/86	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AB26

1515. OVERSEAS MILITARY PERSONNEL AIR-CHARTER TARIFFS

Significance: Nonsignificant

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Legal Deadline: None

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer-protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA67

1516. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA70

1517. DIRECT FLIGHTS

Significance: Nonsignificant

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA73

1518. CARGO RATE CHANGES ON 30 DAYS' NOTICE

Significance: Nonsignificant

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Legal Deadline: None

Abstract: This rule would amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff-filing requirements. Standardization of the regulatory tariff-filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AA99

1519. COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G; ...

Legal Deadline: None

Abstract: The Civil Aeronautics Board was an independent agency; its rules have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such as those that impose an unnecessarily high cost or those with paperwork

DOT—OST **Prerule Stage**

burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Nonregulatory approaches, including the supplying of information by the Government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

Agency Contact: William C. Boyd, Senior Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10222, Washington, DC 20590, 202 366-4870

RIN: 2105–AB03

1520. PRICE ADVERTISING

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1381

CFR Citation: 14 CFR 380.30(e); 14 CFR 399.84

Legal Deadline: None

Abstract: The DOT rules cited above state that any price stated for air transportation, a tour or a tour component must be the entire price for that transportation, tour or component. In this petition, Mr. Donald Pevsner complains that some tour operators advertise prices which do not include additional features which must be purchased and which cost extra. He asks that the rules be amended to state that such additional features may only be priced separately if they may be purchased separately, i.e., if they are optional rather than mandatory.

Timetable:

Action	Date	FR Cite
Petition for rulemaking (Dkt 43147)	05/22/85	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AB25

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Proposed Rule Stage

1521. + COMMERCIAL SPACE TRANSPORTATION: FINANCIAL RESPONSIBILITY REQUIREMENTS FOR COMMERCIAL SPACE LAUNCH ACTIVITY

Significance: Regulatory Program

Legal Authority: PL 98-575; PL 100-656, Sec 15(c) to 16 Commercial Space Launch Act

CFR Citation: None

Legal Deadline: None

Abstract: Persons authorized to conduct commercial launch activities by a license issued by the Office of Commercial Space Transportation (OCST) are required to obtain liability insurance or demonstrate financial responsibility, in amounts and on terms prescribed by OCST, to protect against third-party or government property damage claims resulting from the licensed activities. In addition, persons engaged in commercial launch operations must provide proof of financial responsibility, or offer other assurances, adequate to protect the Government when its property or personnel are involved in such operations. The rulemaking sets out the criteria pursuant to which OCST would set the appropriate levels and terms of insurance and financial responsibility required to be carried by persons subject to its authority.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/85	50 FR 19280
ANPRM Comment Period End	07/08/85	50 FR 19280
NPRM	04/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/30/89

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, Commercial Space Transportation, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105–AA26

1522. + MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Significance: Agency Priority

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f); PL 100-17, Sec 106(c)

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) extended and modified the program as applied to FHWA and UMTA; similar legislation applied the same requirements to the FAA. The Department issued a final rule to make the STURAA changes in October 1987; a similar rule for FAA programs was published in May 1988. The Department intends subsequently to issue an NPRM that would propose further changes in the regulation.

DOT—OST **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM Interim amdt. to final rule, pending revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457
Interim Final Rule	10/21/87	52 FR 39225
NPRM	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/27/81 (46 FR 23457)

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA04

1523. + ANTIDRUG PROGRAMS FOR DEPARTMENT OF TRANSPORTATION CONTRACTORS

Significance: Agency Priority

Legal Authority: 49 USC 322; 40 USC 486(c); 48 CFR 1.301; 48 CFR 1.59

CFR Citation: 48 CFR 1226.7001; 48 CFR 1252.226-70; 48 CFR 34

Legal Deadline: None

Abstract: Consistent with DOT antidrug initiatives for DOT employees and employees of regulated industries, DOT is considering requiring its contractors to establish antidrug programs (including drug testing and employee assistance programs) for employees performing sensitive safety or security functions under DOT contracts. This rulemaking is significant because of substantial public interest and departmental policy.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for, Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., S.W., Room 10424, Washington, D.C. 20590, 202 366-9306

RIN: 2105–AB40

1524. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION -- STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Significance: Nonsignificant

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c); 49 CFR 2.49(u); 49 CFR 1.51(a)

Legal Deadline: None

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4754

RIN: 2105–AA06

1525. NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Significance: Nonsignificant

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Legal Deadline: None

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset." A CAB NPRM that was being developed on this subject will be subsumed in this project. A draft NPRM is now being reviewed by the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/03/89

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA29

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Final Rule Stage

1526. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Significance: Regulatory Program

Legal Authority: 29 USC 794; Section 404(a) of the Federal Aviation Act of 1958, as amended

CFR Citation: 49 CFR 27; 14 CFR 382

Legal Deadline: NPRM, Statutory, January 30, 1987.

Abstract: The Civil Aeronautics Board (CAB) had a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. The Supreme Court's decision in U.S. Department of Transportation v. Paralyzed Veterans of America held that Section 504 of the Rehabilitation Act of 1973 does not apply to nonsubsidized air carriers. This decision left the existing regulation intact. The Air Carrier Access Act of 1986 directed DOT to publish new regulations prohibiting disability-based discrimination in air travel. The Department will use comments received in response to its August 1986 information notice on issues affecting blind passengers as part of the record for this rulemaking. The Department convened an advisory committee to pursue the rulemaking through a negotiated process. The negotiations have concluded and an NPRM has been published.

Timetable:

Action	Date	FR Cite
NPRM	06/22/88	53 FR 23574
NPRM Comment Period End	09/20/88	
Comment period extended to 12/19/88	09/23/88	53 FR 36997
Final Action	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/22/88 (53 FR 23574)

Additional Information: Reply comments were due 01/18/89. A cassette-tape version of the NPRM was made available to blind persons.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA18

1527. + ELECTRONIC FILING OF TARIFFS

Significance: Regulatory Program

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: This project is examining whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the Government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data. In order to assure that users' needs are taken into consideration and that the private sector is involved to the maximum extent in the design, implementation, and operation of such a system, the Department established an Advisory Committee to make continuing recommendations on technical, operational, and policy objectives of the electronic tariff system.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/85	50 FR 33452
ANPRM Comment Period End	11/18/85	
Federal Register Notice Advisory Committee established	11/24/86	51 FR 42327
NPRM	07/08/88	53 FR 25615
NPRM Comment Period End	09/06/88	
Re-establishing Advisory Committee	12/29/88	53 FR 52908
Interim Final Rule	01/19/89	54 FR 2087
Final Action	08/00/93	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/08/88 (53 FR 25615)

Additional Information: As a consequence of discussions with the Committee the Department is planning to experiment with existing data base and electronic mail systems, to determine whether any such systems can fulfill Departmental requirements for an electronic tariff system. The interim final rule will permit those carriers choosing to file their fares tariffs electronically with the Department the option to do so.

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AB00

1528. + LIBERALIZATION OF AIR-CARRIER CHARTER RULES

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Legal Deadline: None

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken. This rulemaking is significant because of substantial public interest.

DOT—OST **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
SNPRM	04/12/83	48 FR 15639
Comment Period End 06/13/83		

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/19/82 (47 FR 7443)

Additional Information: Docket 40336. Original NPRM was EDR-439/SPDR 86; SNPRM of 04/12/83 was EDR-456/SPDR-88.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA41

1529. + SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Legal Deadline: None

Abstract: This rule would inform passengers of their right to a seat in a nonsmoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: EDR-449, Docket 41009.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA72

1530. + CERTIFICATION OF SPEED-LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 118; 23 USC 315

CFR Citation: 23 CFR 659; 49 CFR 1.50; 49 CFR 1.48

Legal Deadline: None

Abstract: The Department will review the existing 55 MPH procedural regulations to determine if they can be made more efficient and to update the regulation where necessary. Provisions addressing the effect of future compliance (for a State found not to be in compliance in a given fiscal year) on the reinstatement of funds withheld will also be revised. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7943
NPRM Comment Period End	04/11/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sam Whitehorn, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9307

RIN: 2105–AB22

1531. + NONDISCRIMINATION ON THE BASIS OF HANDICAP (COMMUTER RAIL PROGRAMS)

Significance: Agency Priority

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27, Subpart E

Legal Deadline: None

Abstract: This notice asks comment on several alternatives for providing accessible commuter rail service, or a substitute for it, to disabled persons. The notice also requests information on the likely ridership and cost effects of the alternative approaches suggested in the notice. Comments have been received and are being reviewed. Studies have been received or are expected to be received in the near future. Final actions being considered include a number of alternatives spelled out in the notice, including various regulatory steps and taking no further regulatory action.

Timetable:

Action	Date	FR Cite
NPRM	05/23/86	51 FR 19032
NPRM Comment Period End	09/22/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St., SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AB23

1532. + STATEMENT OF ENFORCEMENT POLICY ON REBATING

Significance: Agency Priority

Legal Authority: 5 USC 601; 49 USC 1301 to 1302; 49 USC 1305; 49 USC 1324(a); 49 USC 1371 to 1379; 49 USC 1381 to 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481 to 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399.80; 14 CFR 399.85

Legal Deadline: None

Abstract: The Department is proposing to provide formal notice to the public of its enforcement policy concerning the rebating of international air fares by adopting that policy as a Policy Statement in the regulations. No change in the substance of that policy is intended. The Department also proposes to revoke an existing Policy Statement on the advertising of rebates that is contrary to DOT's current enforcement policy. The proposal responds to a request for such action by

the American Society of Travel Agents. The proposed regulation is significant because it involves important departmental policies and substantial industry interest.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41353
NPRM Comment Period End	12/20/88	
Extension of Comment Period to 02/21/89	02/03/89	54 FR 5497
Correction to Comment Period Document	02/10/89	54 FR 6475
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/21/88 (53 FR 41353)

Agency Contact: Samuel Podberesky, Assistant General Counsel for Aviation Enforcement and Proceedings, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9342

RIN: 2105–AB39

1533. ● + PROCEDURES FOR TRANSPORTATION WORKPLACE DRUG-TESTING PROGRAMS

Significance: Agency Priority

Legal Authority: 49 USC 101; 49 USC 102; 49 USC 301; 49 USC 302; 49 USC 322

CFR Citation: 49 CFR 40

Legal Deadline: None

Abstract: This rule codifies drug-testing guidelines developed by the Department of Health and Human Services, adapting them to fit the circumstances of employers regulated by DOT. The Department's substantive drug-testing rules require employers to conduct drug testing in accordance with these procedures. This rulemaking is significant, since it affects several operating administrations and their regulated industries.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/21/88	53 FR 47002
Interim final rule effective	12/21/88	
Interim final rule public comment end	01/23/89	
Final Action	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Analysis: Regulatory Evaluation 11/21/88 (53 FR 47002)

Agency Contact: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 Seventh St., SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB42

1534. ● + ESSENTIAL AIR SERVICE; REDUCTIONS

Significance: Agency Priority

Legal Authority: 49 USC 324; 49 USC 1389; PL 100-457DOT and Related Agencies Appropriations Act, 1989

CFR Citation: 14 CFR 398, (Revision)

Legal Deadline: None

Abstract: The essential Air Service (EAS) program provides subsidies to assist small communities in receiving essential air service. The 1989 fiscal year appropriation for EAS is $25 million. Current spending is at levels projected to require $31.6 million for FY 1989. A $6.6 million projected reduction in spending is needed to be within the FY 1989 appropriation. Four alternatives for reducing subsidies are being considered: (1) eliminate subsidy for air service to communities that are close to alternate air service; (2) eliminate subsidy for air service to more than one connecting airport and to certain communities close to alternate service; (3) eliminate subsidy for air service to communities with the highest annual subsidy requirements; and (4) eliminate subsidy for air service to communities that historically have enplaned the fewest passengers. This rulemaking will provide a substantial cost savings to the national economy as well as continued availability of EAS to the extent allowed by the FY 1989 appropriation. This rulemaking will result in certain increases in time and cost to utilize alternate service (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 50233
NPRM Comment Period End	01/03/89	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Analysis: Regulatory Evaluation

Additional Information: ABSTRACT CONT: airports, and in certain lost revenues, through loss of routes, to the extent these losses are not absorbed by individual communities or carriers. The NPRM invited comments on the alternatives. This rulemaking is significant because of the substantial public interest involved.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh St. SW., Washington, DC 20590, 202 366-9306

RIN: 2105–AB43

1535. TITLE VI CIVIL RIGHTS REGULATION

Significance: Nonsignificant

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Legal Deadline: None

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/19/81 (46 FR 5588)

DOT—OST

Final Rule Stage

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4754

RIN: 2105–AA02

1536. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Significance: Nonsignificant

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Legal Deadline: None

Abstract: As part of the NPRM that proposed its minority business program rule (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
To be withdrawn	04/03/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/17/79 (44 FR 28928)

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AA03

1537. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Significance: Nonsignificant

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Legal Deadline: None

Abstract: Title V of Pub. L. 95-134 permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. This proposal is being withdrawn because of problems concerning legal requirements with changing grant conditions.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765
To be withdrawn	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kristen Clark, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9669

RIN: 2105–AA08

1538. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Significance: Nonsignificant

Legal Authority: PL 94-135, Title III

CFR Citation: 29 CFR 1691

Legal Deadline: None

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5992

RIN: 2105–AA09

1539. AIRLINE TIME AND MILEAGE GUIDES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM	10/27/82	47 FR 47599
NPRM Comment Period End	12/13/82	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 00/00/00

Additional Information: EDR 448, Docket 41034. Formerly entitled: Tariffs; Removal of Requirements for Statements of Fares or Rates Based upon Units of Distance or Time.

Agency Contact: Thomas Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AA39

1540. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Legal Deadline: None

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-

AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: EDR 405, Docket 37169.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA40

1541. ZONES FOR AIRLINE MAIL RATES

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376; 49 USC 1551(b)(1)(D)

CFR Citation: 14 CFR 233, (Proposed)

Legal Deadline: None

Abstract: This rule proposed to end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. The proposal will be withdrawn because it has been mooted by statutory changes with respect to domestic mail rates and the present process for determining international mail rates appears to work well for all concerned.

Timetable:

Action	Date	FR Cite
NPRM	09/07/79	44 FR 52246
NPRM Comment Period End	10/22/79	44 FR 52246
Comment Period End 02/17/81	12/19/80	45 FR 83510
SNPRM	12/19/80	45 FR 83510
To be withdrawn	04/03/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Original NPRM of 09/07/79 was EDR-387/PDR 68, Docket 46497; the SNPRM of 12/19/80 was EDR-387C/PDR-68C.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9183**

RIN: 2105–AA44

1542. AIR TRAVELERS: AGE DISCRIMINATION

Significance: Nonsignificant

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Legal Deadline: None

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. However, these changes have not been incorporated. DOT is considering combining this rulemaking with a broader DOT age discrimination rule on which work is now under way.

Timetable:

Action	Date	FR Cite
NPRM	09/26/79	44 FR 55383
Final Action adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SPDR-74, Docket 36639.

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9306**

RIN: 2105–AA45

1543. POLICY STATEMENT ON AIRLINE PREEMPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Legal Deadline: None

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: PS-83, Docket 34684.

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 **366-9183**

RIN: 2105–AA46

1544. INSURANCE FOR ON-DEMAND AIR-TAXI OPERATORS AND CANADIAN AIR TAXIS

Significance: Nonsignificant

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Legal Deadline: None

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM

further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions.

Timetable:

Action	Date	FR Cite
NPRM	02/04/80	45 FR 7566
NPRM Comment Period End	03/12/80	45 FR 7566
SNPRM	10/27/81	46 FR 52585
SNPRM	03/10/83	48 FR 10073

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 37531. Original NPRM (02/04/80) was EDR-395; the first SNPRM (10/27/81) was EDR-395B. The second SNPRM (03/10/83) was EDR-395C, and its comment period ended 05/17/83.

Agency Contact: Ron Hilgert, Assistant Chief, Regulatory Analysis Division, Office of Aviation Analysis, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1059**

RIN: 2105–AA47

1545. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR-CARRIER AUTHORITY

Significance: Nonsignificant

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Legal Deadline: None

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. Further review has determined the contemplated change is unwarranted.

Timetable:

Action	Date	FR Cite
NPRM	06/03/83	48 FR 24923
NPRM Comment Period End	08/02/83	
To be withdrawn	06/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SPDR-89 and SPDR-89A, Docket 41498.

Agency Contact: Richard M. Loughlin, Chief, Licensing Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 6412, Washington, DC 20590, **202 366-2388**

RIN: 2105–AA68

1546. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1376; 49 USC 1389; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Legal Deadline: None

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/89

Additional Information: Docket 41855; PDR 87.

Agency Contact: Robert Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-9154**

RIN: 2105–AA77

1547. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 253; 14 CFR 399

Legal Deadline: None

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601. Docket 41683, EDR 468/PSDR-81.

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2220**

RIN: 2105–AA78

1548. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389; 14 CFR 399

Legal Deadline: None

DOT—OST

Final Rule Stage

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements. The Department is evaluating comments received.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39337
NPRM Comment Period End	12/04/84	
Final Action	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PDR-88/ODR-27/PSDR-83.

Agency Contact: Gwyneth Radloff, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9305

RIN: 2105–AA82

1549. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49111
NPRM Comment Period End	03/19/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Docket 41690; EDR-477.

Agency Contact: Timothy Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA84

1550. SIMPLIFIED AIRLINE COUNTER-SIGN NOTICES

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Legal Deadline: None

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its counter-sign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified counter sign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation

Additional Information: Docket 41971; EDR-474

Agency Contact: Tim Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2220

RIN: 2105–AA88

1551. EXEMPTION FROM PRIOR-APPROVAL REQUIREMENTS FOR CERTAIN TRANSACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1303; 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1388; 49 USC 1551

CFR Citation: 14 CFR 303

Legal Deadline: None

Abstract: As the Department's review of the aviation-merger procedural regulations became moot with expiration of the Federal Aviation Act's section 408 on December 31, 1988, this action will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17490
NPRM Comment Period End	06/12/86	
To be withdrawn	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald Horn, Deputy Assistant General Counsel, for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2972

RIN: 2105–AB20

1552. COUNTING UMTA REDUCED-FARE PROGRAM COSTS TOWARD 504 COST CAP

Significance: Nonsignificant

Legal Authority: 29 USC 704; 49 USC 1612(d)

CFR Citation: 49 CFR 27

Legal Deadline: None

Abstract: The Department is considering whether or not to eliminate a provision in its rule concerning mass transit services for disabled persons, which permits incremental expenditures by recipients for the off-peak, reduced-fare program for elderly and handicapped passengers on mainline mass transit services to be counted in the calculation of the three-percent limit

DOT—OST

Final Rule Stage

on required expenditures. The Department has proposed withdrawing this provision.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23778
NPRM Comment Period End	08/23/88	
Final Action	04/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/03/89

Agency Contact: Robert Ashby, Deputy Ass't General Counsel for Regulation and Enforcement, Department of Transportation, Office of the Secretary, 400 7th St SW, Washington, DC 20590, 202 366-9306

RIN: 2105–AB29

1553. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 322(a)

CFR Citation: 49 CFR 18

Legal Deadline: None

Abstract: This rule is being revised to add nongovernmental grantees and to make minor revisions to the current common rule that applies to grants and cooperative agreements to State and local governments. Due to existing statutes and the desire to reduce Federal red tape, DOT does not comply with some sections of the common rule and is proposing deviations from the additional provisions.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	
Final Action	09/05/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/04/88 (53 FR 44716)

Additional Information: The Federal Agencies published the final common rule on 03/11/88 (53 FR 21816). The Department's proposed amendments to the final rule begin on page 44791 of the November 4, 1988 issue of the Federal Register.

Agency Contact: Charles E. Ventura, Office of Acquisition and Grant Management, Department of Transportation, Office of the Secretary, 400 Seventh Street, S.W., Washington, D.C. 20590, 202 366-4286

RIN: 2105–AB46

DEPARTMENT OF TRANSPORTATION (DOT)

Completed Actions

Office of the Secretary (OST)

1554. + CONTINUING REVIEW: DEPARTMENT-WIDE DRUG REGULATIONS

Significance: Agency Priority

Legal Authority: See entries under affected modes

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Department has completed its review of the Modal drug programs, and final rules have been issued by each of the affected modes. This rulemaking project was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
End Review	02/16/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Former title: Review of Department-Wide Drug Regulations.

Agency Contact: Samuel E. Whitehorn, Attorney, Office of the General Counsel, Department of Transportation, Office of the Secretary, Regulations and Enforcement, 400 7th St., SW, Washington, DC 20590, 202 366-9307

RIN: 2105–AB24

1555. + POSTING OF TARIFFS -- NOTICE OF CONTRACT OF CARRIAGE

Significance: Agency Priority

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Legal Deadline: None

Abstract: Final rule allows carriers an alternative to the current requirement that they post their entire tariffs for passenger and cargo foreign air transportation in printed hard copy at each ticket-sales location. Carriers could provide more useful information to consumers using summaries, computer terminals, and printed copies of tariff information. This final rule permits international carriers the option of making their tariff information available to consumers in a manner similar to that currently used to provide notice of incorporated contract terms to airline passengers traveling in domestic air transportation. Specifically, it permits the airlines to satisfy the posting requirements quickly and economically by largely eliminating the costly and onerous medium of paper at their sales locations. The airlines could furnish information on fares, rates, and rules subject to frequent change through the use of electronic transmissions to display terminals at their sales locations. This process would also allow airlines to provide consumers with printed copies of this information upon request. Only those rules subject to infrequent

Timetable:

Action	Date	FR Cite
NPRM	07/20/88	53 FR 27351
NPRM Comment Period End	09/19/88	
Final Action	12/29/88	53 FR 52675
Final Action Effective	01/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/20/88 (53 FR 27351)

Additional Information: ABSTRACT CONT: changes would likely be maintained in printed form. This

alternative in no way diminishes the filed tariff as the prevailing contract of carriage.

Agency Contact: Thomas G. Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2414

RIN: 2105–AB38

1556. AIR CARRIER CARGO TARIFF PUBLICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Legal Deadline: None

Abstract: A petition proposed to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Action has been terminated as moot, since the relief requested has been rendered unnecessary by the new posting rules adopted in RIN AB38 on 12/29/88 (53 FR 52675).

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/8	
Action terminated	01/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Myers, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 366-9183

RIN: 2105–AA31

1557. ● RECOVERY OF DEBTS TO THE UNITED STATES BY SALARY OFFSET

Significance: Nonsignificant

Legal Authority: 5 USC 5514

CFR Citation: 49 CFR 92

Legal Deadline: None

Abstract: The final rule (53 FR 4170) established procedures enabling DOT to offset a debt against the pay of a current or former Federal employee who is indebted to the United States under a program administered by DOT. This action revises section 92.5 (Exceptions to notice, hearings, written response, and final decision). This amendment reflects a change requested by the Office of Management and Budget to eliminate a general exception for notice, hearings, written response and final decision in administrative adjustments apart from those associated with Federal benefits programs

Timetable:

Action	Date	FR Cite
Amendment to Final Rule	12/21/88	53 FR 51279

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul B. Larsen Attorney Adviser, Department of Transportation, Office of the Secretary 400 Seventh Street, S.W., Washington D.C. 20590, 202 366-9161

RIN: 2105–AB32

1558. COLLECTION OF CLAIMS OWED THE UNITED STATES

Significance: Nonsignificant

Legal Authority: 31 USC 3701 to 3720A

CFR Citation: 49 CFR 89

Legal Deadline: None

Abstract: This final rule implements the Debt Collection Act of 1982. The rule provides DOT with formal procedures for the collection of claims owed the United States arising from activities under the jurisdiction of the Department

Timetable

Action	Date	FR
NPRM	02/12/88	53 FR
NPRM Comment Period End	04/12/88	
Final Action	12/21/88	53
Final Action Effective	01/20	

Small Enti

Governm

Analysis: 02/12/88 I5

Agency Contact: Paul B. Larsen (202-10 Attorney Adviser, Department o Transportation, Office of the Secretary DOT/Office of the General Counsel, 4(Seventh Street, SW Washington D 20590, 202 366-9161

RIN: 2105–AB3:

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Prerule Sta

1559. SOLAS 74/83 EMERGENCY DRINKING WATER AND FOOD APPROVAL REQUIREMENTS (85-202)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish Coast Guard requirements for emergency drinking water and food meeting the 1983 Amendments to the Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. B. Berringer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington DC 20593-0001, 202 267-1444

RIN: 2115–AC48

1560. HYDRAULIC RELEASE UNIT FOR LIFESAVING EQUIPMENT: SOLAS 74/83 (85-206)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

DOT—USCG

Prerule Stage

Abstract: This project would establish approval requirements for hydraulic releases meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC52

1561. REVISION OF DAVIT AND WINCH APPROVAL REQUIREMENTS: SOLAS 74/83 (85-207)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for davits and winches meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC53

1562. RADAR REFLECTOR APPROVAL REQUIREMENTS: SOLAS 74/83 (85-209)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for radar reflectors meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. K. Heinz, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC54

1563. REVISION OF LIFEBUOY APPROVAL REQUIREMENTS: SOLAS 74/83 (85-210)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: The project would establish approval requirements for lifebuoys meeting the 1983 Amendments of the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LTJG C. Deleo, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC55

1564. PORT ACCESS ROUTES; APPROACH TO FREEPORT, TEXAS (CGD 87-038)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: A study of fairway anchorage sites and areas adjacent to the fairway in the approach to Freeport, Texas, has been completed and is being evaluated to determine further action.

Timetable:

Action	Date	FR Cite
Fairway study completed	07/02/87	52 FR 25039

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 2nd St., SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AC78

1565. OIL DISCHARGE MONITORING AND CONTROL SYSTEM (CGD 87-057)

Significance: Nonsignificant

Legal Authority: 33 USC 1321(j); 33 USC 1903; 46 USC 391(a); 49 USC 1655(b)

CFR Citation: 46 CFR 162; 33 CFR 157

Legal Deadline: None

Abstract: This project would revise the existing equipment approval requirements for the oil discharge monitoring and control system to bring the U.S. requirements in line with the more stringent International Maritime Organization Resolution A.586(14) "Revised Guidelines and Specifications for Oil Discharge Monitoring and Control Systems for Oil Tankers." This project does not create any new installation requirements for oil pollution prevention equipment on any class of vessels.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. B. Berringer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC85

1566. MARINE TRANSPORT OF BULK SOLID HAZARDOUS MATERIALS (87-069)

Significance: Nonsignificant

DOT—USCG **Prerule Stage**

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 46 CFR 148

Legal Deadline: None

Abstract: This proposal would incorporate into 46 CFR 148 the requirements for shipping certain frequently carried hazardous bulk solids. Putting these requirements into regulation would eliminate paperwork for both the Coast Guard and the shipping industry. This proposal would also incorporate requirements found in the International Maritime Organization's Code of Safe Practice For Solid Bulk Cargoes.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/89

Agency Contact: Mrs. D. Anderson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 29593-0001, **202 267-1217**

RIN: 2115–AD02

1567. ● PORT ACCESS ROUTES: APPROACHES TO CHESAPEAKE BAY (88-041)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 167

Legal Deadline: None

Abstract: The Coast Guard is conducting a port access route study to determine the need for vessel routing measures in the approaches to Chesapeake Bay, VA. As a result of the study a new or modified traffic separation scheme may be proposed in the Federal Register.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, **202 267-0415**

RIN: 2115–AD09

1568. ● CONTROLLING THE MARINE ASBESTOS HAZARD (88-103)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 43 USC 1333

CFR Citation: 46 CFR Subchapter V

Legal Deadline: None

Abstract: Asbestos has been identified as a carcinogen for which there are no safe limits of exposure. This regulatory project would limit the hazards posed by asbestos to marine industry personnel aboard Coast Guard inspected vessels, mobile offshore drilling units, Outer Continental Shelf platforms, and deepwater ports.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR M. VanHaverbeke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, **202 267-1181**

RIN: 2115–AD16

1569. ● ADVANCE NOTICE OF ARRIVAL; WARSAW PACT NATIONALS (88-104)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: This regulation would require advance notice to the Captain of The Port (COTP) of the presence on board certain entering vessels of any Warsaw Pact national or Non-Entrant National crew member. Such notice would enable the COTP to take appropriate measures for the removal or restriction of the crew member(s) as necessary for the protection of the United States.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR C. Crampton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20590-0001, **202 267-0491**

RIN: 2115–AD17

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Proposed Rule Stage

1570. + OFFSHORE SUPPLY VESSEL REGULATIONS (82-004)

Significance: Regulatory Program

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: These regulations would consolidate existing Offshore Safety Vessel standards and policy into a single subchapter and make specific revisions to accommodate the unique characteristics and methods of operation and the service in which the vessels are engaged. Rules specifically applicable to liftboats would be included. Because of public interest in certain aspects of this proposal, it has been classified as significant.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
Comment Period Extended to 09/12/83	06/09/83	48 FR 26631

DOT—USCG

Proposed Rule Stage

Action	Date	FR Cite
ANPRM Comment Period End	06/14/83	48 FR 6636
ANPRM of consolidated RIN AC63	04/16/87	52 FR 12439
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/00/89

Additional Information: Coast Guard Docket 86-074 (RIN 2115-AC63) titled Regulations for Self-Elevating Offshore Service and Support Vessels was combined with this project.

Agency Contact: LCDR M. Rosecrans, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AA77

1571. + TRAFFIC SEPARATION SCHEMES AND SHIPPING SAFETY FAIRWAYS OFF THE COAST OF CALIFORNIA (83-032)

Significance: Regulatory Program

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Legal Deadline: None

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic-separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 08/00/89

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043), and on December 5, 1985 (50 FR 49861). This rulemaking will require coordination with the Minerals Management Service of the Department of the Interior. This project was formerly titled California Offshore Routing System.

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AB29

1572. + REVISIONS OF THE REGULATIONS ON OUTER CONTINENTAL SHELF ACTIVITIES (84-098)

Significance: Regulatory Program

Legal Authority: 43 USC 1331

CFR Citation: 33 CFR 140; 33 CFR 141; 33 CFR 142; 33 CFR 143; 33 CFR 144; 33 CFR 145; 33 CFR 146

Legal Deadline: None

Abstract: This project would extend coverage of the workplace safety rules and modernize material standards for fixed platforms.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Extension of Comment Period to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	06/05/85	50 FR 9290
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 05/00/89

Additional Information: CGD 84-098(a)(RIN AC40) Self-Inspection of Fixed OCS Facilities split from CGD 84-098 and completed in 53 FR 18977. CGD 84-098(b)(RIN AC41) titled Offshore Evacuation Procedures separated from CGD 84-098.

Agency Contact: Mr. J. Magill, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB74

1573. + HAZARDOUS MATERIALS POLLUTION PREVENTION: BULK LIQUIDS (86-034)

Significance: Regulatory Program

Legal Authority: 33 USC 1321

CFR Citation: 33 CFR 126

Legal Deadline: None

Abstract: This Project would apply the present oil pollution prevention regulations in 33 CFR Parts 154-156 to vessels and onshore and offshore facilities transferring hazardous substances. Although previously not categorized as significant, further analysis has determined this rulemaking to be significant because of safety and environmental considerations. Based on comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22118
NPRM Comment Period End	09/12/88	
SNPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/13/88 (53 FR 22118)

Additional Information: Former title: Hazardous Substances Pollution Prevention.

Agency Contact: Mr. K.J. Szigety, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC29

1574. + LIFESAVING EQUIPMENT--IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Significance: Agency Priority

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 199; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Legal Deadline: None

DOT—USCG

Proposed Rule Stage

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 (Safety of Life at Sea) which came into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify, and reduce redundancy. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period End	03/01/85	
NPRM	04/03/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/89

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB72

1575. + USER FEES FOR COAST GUARD SERVICES (84-026)

Significance: Agency Priority

Legal Authority: 31 USC 9701

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100

Legal Deadline: None

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to extent practicable. This rulemaking is significant because it is likely to be of substantial interest to the public.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Further action must await enabling legislation.

Agency Contact: Mr. Carlton Perry, Project manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AB73

1576. + LICENSING OF OFFICERS AND OPERATORS FOR MOBILE OFFSHORE DRILLING UNITS (81-59A)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3703; 46 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 15

Legal Deadline: None

Abstract: This project makes provision for the licensing of officers on mobile offshore drilling units and establishes manning standards for these vessels. This action is considered significant because of substantial public interest. Based on comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	48 FR 35920
SNPRM	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38660
Suspended Effective Date of Interim Final Rule	02/28/89	54 FR 8334
Second SNPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/16/87 (52 FR 38660)

Additional Information: This project was split from Coast Guard docket 81-059, Licensing of Maritime Personnel, which is listed elsewhere in this agenda with the RIN 2115-AA64.

Effective date of the Interim Final Rule was suspended because comments received indicated substantive revisions to the rule are necessary.

Agency Contact: LCDR Jenkins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AB91

1577. + USER FEES: SMALL PASSENGER AND SAILING SCHOOL VESSELS (CGD 87-020)

Significance: Agency Priority

Legal Authority: PL 99-509

CFR Citation: 46 CFR 169; 46 CFR 175

Legal Deadline: None

Abstract: This proposal would enumerate selected Coast Guard services for which user fees would be charged, indicate how the charges are to be charged, indicate how the charges are to be made, and how they are to be paid. User fees are being considered for the following services to small passenger vessels and sailing school vessels: initial inspection for certification, inspection for certification, reinspection, drydock examination, licensing/certification, and documentation. This project is considered significant because of substantial public interest in the topic of user fees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: Formerly entitled Imposition of User Fees for Certain Coast Guard Services; Documentation and Licensing (CGD 87-020).

Agency Contact: Mr. M. Fell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1483

RIN: 2115–AC74

1578. + SUBDIVISION AND DAMAGE STABILITY OF DRY CARGO VESSELS (CGD 87-094)

Significance: Agency Priority

Legal Authority: 46 USC 3301

CFR Citation: 46 CFR 174

Legal Deadline: None

Abstract: This proposal would require dry cargo vessels to meet a minimum standard of subdivision and stability.

This rulemaking is significant because of international implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/88	53 FR 11440
ANPRM Comment Period End	01/03/89	
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 09/00/89

Agency Contact: Lt. R. Gilbert, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC87

1579. ● + SPECIAL CARGO REQUIREMENTS FOR BENZENE (88-040)

Significance: Agency Priority

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: This proposal would update the special cargo requirements for benzene. This would include the lowering of permissible exposure limits, addition of requirements for personal protective equipment, measurement of employee exposures, training, and medical surveillance. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Dr. M. Parnarouskis, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AD08

1580. ● + IMPLEMENTATION OF THE COMMERCIAL FISHING-INDUSTRY VESSEL SAFETY ACT (88-079)

Significance: Agency Priority

Legal Authority: 46 USC 4502; 46 USC 4506; 46 USC 6104(c); 46 USC 10603(b)

CFR Citation: 46 CFR 27; 46 CFR 28; 46 CFR 29

Legal Deadline: None

Abstract: The Commercial Fishing Industry Act of 1988 requires the Secretary of Transportation to prescribe regulations for certain safety equipment and vessel operating procedures. Subjects to be addressed by the rulemaking include: navigation, radio, firefighting, and lifesaving equipment, as well as fuel, ventilation, and electrical systems. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM of Consolidated RIN AC34	07/09/87	52 FR 25890
ANPRM Correction of Consolidated RIN AC34	08/10/87	52 FR 29556
ANPRM	12/29/88	53 FR 52735
ANPRM Comment Period End	02/27/89	53 FR 52735
ANPRM Extension of Comment Period	03/02/89	54 FR 8765
NPRM	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 07/00/89

Additional Information: Coast Guard docket 86-024 titled Uninspected Fish-Processing Vessels (RIN AC34) has been incorporated into this project.

Agency Contact: Mr. N. Lemley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0001

RIN: 2115–AD12

1581. ● + SAFETY STANDARDS FOR VAPOR CONTROL SYSTEMS (88-102)

Significance: Agency Priority

Legal Authority: 46 USC 3703; 33 USC 1225

CFR Citation: 46 CFR Chapter I

Legal Deadline: None

Abstract: This project would establish minimum safety requirements for marine vapor-control systems. The requirements would include design and operating requirements for tank vessels and waterfront facilities using vapor-control systems and qualifications for personnel authorized to operate them. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/89

Agency Contact: LCDR R. Fitch, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Secons Street, S.W., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AD15

1582. TANKERMAN REQUIREMENTS (CGD 79-116)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155; 46 CFR 12; 46 CFR 13; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Legal Deadline: None

Abstract: Rulemaking would redefine and establish more stringent qualifying criteria for individuals engaged in transporting and transferring various categories of oil and dangerous liquid cargoes. The Port and Tanker Safety Act of 1978 mandated the establishment of personnel qualification and manning standards for tank vessels. In addition, the International Convention on the Standards for Training, Certification, and Watchkeeping for Seafarers (STCW), 1978 has entered into effect and establishes international standards for tank vessel personnel qualifications. In view of the length of time since

publication of the NPRM, a supplemental NPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
NPRM Comment Period End	03/18/81	
SNPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Additional Information: Former title: Qualifications of the Person in Charge of Oil Transfer Operations: Tankerman Requirements (79-116). Public meetings were held during January and February of 1981. This project is the companion to Qualifications for Persons in Charge of Oil Transfer Operations (79-116a) which is a new listing in the Agenda under RIN 2115-AD18.

Agency Contact: Mr. C. Heizer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115–AA03

1583. FIXED FIRE-EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Legal Deadline: None

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. SNPRM will address new comments received requesting that industry specifications be used and incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
SNPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/19/82 (47 FR 16648)

Additional Information: Docket No. CGD 74-284.

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA08

1584. MANEUVERING PERFORMANCE STANDARDS FOR U.S. VESSELS (80-136)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1; 33 CFR 164

Legal Deadline: None

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/89

Additional Information: The Subcommittee on Ship Design and Equipment, IMO, completed action on this item in May 1986 and the results are being included in the NPRM. Final action by the IMO Assembly in November 1987 has made it possible for the Coast Guard to resume action on promulgation of a rule.

Agency Contact: Mr. V. Azinovsky, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-2988

RIN: 2115–AA53

1585. PERSONAL FLOTATION DEVICES (81-023)

Significance: Nonsignificant

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Legal Deadline: None

Abstract: This action will revoke an obsolete provision and make several editorial changes. Upon further analysis, it has been determined that an SNPRM be issued to propose incorporating a recent amendment to Underwriters Laboratories (UL) Standard 1123 by reference in lieu of prescribing the specific text that PFD manufacturers must include in PFD information pamphlets.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606
SNPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/12/82 (47 FR 15606)

Additional Information: Docket No. CGD 81-023.

Agency Contact: Mr. C. Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AA58

1586. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Legal Deadline: None

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements, and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Additional Information: This project is being evaluated by the Chemical Transportation Advisory Committee.

Agency Contact: Mr. T.J. Felleisen, Project Manager, Department of Transportation, U.S. Coast Guard, 2100

Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA70

1587. POLLUTION-PREVENTION REGULATIONS FOR TANKERS: GENERAL REVISIONS OF 33 CFR 157 (82-030)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Legal Deadline: None

Abstract: This project would amend pollution regulations to clarify them, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/89

Agency Contact: Mr. S. Shapiro, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AA88

1588. OUTER CONTINENTAL SHELF FACILITIES: AIDS TO NAVIGATION (82-054)

Significance: Nonsignificant

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Legal Deadline: None

Abstract: This item will modify existing requirements to allow for the following: central approval of aids to navigation lighting equipment, conformance to International Association of Lighthouse Authorities marking recommendations for offshore structures, and realistic light-intensity requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/89

Additional Information: Docket No. 82-054.

Formerly entitled Aids to Navigation on Outer Continental Shelf.

Agency Contact: Mr. C. B. Mosher, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AA92

1589. SAFETY STANDARDS FOR NEW SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (82-058)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Legal Deadline: None

Abstract: Would revise the standards for self-propelled vessels carrying bulk liquefied gases by adopting Amendments 1 through 4 of the International Maritime Organization Code for the construction and equipment of ships carrying gases in bulk.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Mrs. D. Anderson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA95

1590. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATION AND TRAINING ACT OF 1980 (82-092)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3301(2)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Legal Deadline: None

Abstract: Would update authority cites for Nautical Schools inspection regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical school vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. CGD 82-092.

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB21

1591. FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR 32; 46 CFR 72; 46 CFR 92; 46 CFR 190; 46 CFR 193

Legal Deadline: None

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974 (Safety of Life at Sea) and its amendments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period End	11/30/84	
NPRM	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 07/00/89

Additional Information: Formerly titled Reassessment of Coast Guard Fire Protection Regulations to Incorporate Solas 1974.

Agency Contact: Dr. A. Schneider, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AB36

1592. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS – INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR Subchapter F

Legal Deadline: None

Abstract: This project would effect a general reassessment of Subchapter F and incorporation of international requirements of Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: Lt. W. Wagnet, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AB41

1593. MARINE PORTABLE TANKS (84-043)

Significance: Nonsignificant

Legal Authority: 49 USC 1801 to 1812

CFR Citation: 46 CFR 64; 46 CFR 98.30; 46 CFR 98.33; 46 CFR 98.35

Legal Deadline: None

Abstract: This proposal would discontinue the Coast Guard specifications for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AB69

1594. PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a); 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Legal Deadline: None

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/89

Agency Contact: Mr. K. Heinz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AB70

1595. MOBILE OFFSHORE DRILLING UNIT REGULATIONS REVISION (83-071A)

Significance: Nonsignificant

Legal Authority: 46 USC 86; 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3318

CFR Citation: 46 CFR 56; 46 CFR 58; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 111; 46 CFR 174

Legal Deadline: None

Abstract: This project would revise the regulations in subchapter I-A to clarify them, bring them up to date, delete some unnecessary requirements, and incorporate the recommendations developed from major casualties. These changes are largely editorial in nature.

Timetable:

Action	Date	FR Cite
ANPRM	01/25/85	50 FR 11741
Extension of Comment Period	05/16/85	50 FR 20461
ANPRM Comment Period End	09/23/85	
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/00/89

Additional Information: The Maritime Safety Committee (MSC) of the International Maritime Organization is expected to take action on the Mobile Offshore Drilling Unit code by 03/89. The final draft of the NPRM pends MSC action.

Agency Contact: LCDR Dupree, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2307

RIN: 2115–AB88

1596. SAFETY RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (84-085)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1803

CFR Citation: 46 CFR 153

Legal Deadline: None

Abstract: This project would amend 46 CFR Part 153 to incorporate changes to the International Maritime Organization code for the construction and equipment of ships carrying dangerous chemicals in bulk.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/90

Agency Contact: Mr. F. Wybenga, Project Manager, Department of Transportation, U.S. Coast Guard, 2100

Second Street, SW, Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AB92

1597. TRAINING IN THE USE OF AUTOMATIC RADAR PLOTTING AIDS (ARPA) (85-089)

Significance: Nonsignificant

Legal Authority: 33 USC 1223; 46 USC 3703

CFR Citation: 33 CFR 164

Legal Deadline: None

Abstract: Current regulations require installation of ARPA on certain ships to improve vessel and waterway safety. Training in the use of this equipment is necessary to ensure its proper application and maximum benefit. A very small percentage of licensed personnel (those manning vessels of 10,000 GT or larger) would be required to complete an ARPA training course. The course is expected to take 5 days and cost about $600.00 per student.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/85	50 FR 53316
ANPRM Comment Period End	12/23/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mr. Robert Spears Jr., Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0214

RIN: 2115–AB99

1598. CERTIFICATION OF SEAMEN (84-088)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 7301; 46 USC 3306; 46 USC 8105

CFR Citation: 46 CFR 12; 46 CFR 15; 49 CFR 1.46

Legal Deadline: None

Abstract: This rulemaking would simplify and restructure the entire part. Among the changes contemplated are the addition of several new endorsements to seamen's documents and new ratings. An ANPRM was issued to gather necessary additional information.

Timetable:

Action	Date	FR Cite
ANPRM	02/04/85	50 FR 4875
Comment Period Extended to 08/01/85	06/03/85	50 FR 23318
ANPRM Comment Period End	08/01/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation

Agency Contact: LCDR M. Wilson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC02

1599. EXEMPTIONS TO GULF INLAND WATERWAYS REGULATIONS (85-096)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 162

Legal Deadline: None

Abstract: Contemplated action would revise and update the inland waterways navigation regulations for the Gulf Intercoastal Waterway from St. Marks, Fla. to the Rio Grande River. Certain frequently granted exemptions regarding length and width of tows would be incorporated into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 06/00/89

Additional Information: Formerly titled Inland Waterway Navigation Regulations: All Waters Tributary to the Gulf of Mexico.

Agency Contact: Mr. R. Robertson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AC03

1600. FIRE DETECTION AND ALARM SYSTEMS (85-051)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This rulemaking would update the 30-year-old Coast Guard specification for fire detection and alarm systems to use modern terminology and address modern systems. Consensus standards would be adopted by reference.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: This proposal would incorporate by reference an ASTM standard which is still being developed. No further work will be done on the project until the ASTM standard is completed.

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AC13

1601. REVISIONS TO THE ELECTRICAL ENGINEERING REGULATIONS (85-063)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 2113; 46 USC 3301; 46 USC 3306; 46 USC 3318; 46 USC 3703; 46 USC 4104

CFR Citation: 46 CFR 110; 46 CFR 111; 46 CFR 112; 46 CFR 113

Legal Deadline: None

Abstract: This rulemaking would generally update and revise 46 CFR Subchapter J to address changes in technology, include international conventions (Amendments to SOLAS '74), clarify requirements, and reflect experience gained as a result of vessel reflaggings.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: Mr. Thomas Nolan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC20

1602. SMALL PASSENGER VESSEL INSPECTION AND CERTIFICATION (CGD 85-080)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 175 to 187

Legal Deadline: None

Abstract: This rulemaking would revise Subchapter "T" to reflect recent statutory changes, incorporate new technology, and improve safety requirements. Among the changes contemplated would be a change in inspection intervals, drydocking intervals, lifesaving equipment requirements, and fire protection requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	54 FR 4412
NPRM Comment Period End	05/30/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/30/89 (54 FR 4412)

Agency Contact: LCDR W. Cummins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC22

1603. INSPECTED FISH PROCESSING AND FISH TENDER VESSELS (86-026)

Significance: Nonsignificant

Legal Authority: 46 USC Subtitle II; PL 98-364

CFR Citation: 46 CFR 105

Legal Deadline: None

Abstract: This rulemaking project would implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations reflecting the specialized nature and economics of fish processing and fish tender vessel operations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project currently inactive.

Agency Contact: LCDR G. Powers, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC27

1604. UPDATING APPROVAL REQUIREMENTS FOR BREATHING APPARATUS (86-036)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160; 46 CFR 35 to 20

Legal Deadline: None

Abstract: Proposal would update the approval specifications for breathing apparatus for merchant vessels by citing present certification agencies and test schedules. It is also proposed to revise the tank vessel regulations for the carriage of approved pressure-demand type self-contained breathing apparatus.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: LTJG C. DeLeo, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC30

1605. LOAD LINES (86-013)

Significance: Nonsignificant

Legal Authority: 46 USC 5115

CFR Citation: 46 CFR 41 to 48

Legal Deadline: None

Abstract: This proposal will revise 46 CFR Parts 42 and 44 through 46 and add Parts 41, 43, 47 and 48 (Subchapter E) to correct errors, replace previous omissions, incorporate new policies which have not been published and implement provisions of the new Load Line Law enacted on 21 Oct 86 and now in effect.

Timetable:

Action	Date	FR Cite
Notice	12/29/86	51 FR 46972
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Mr. P. Cojeen, Naval Architect, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2988

RIN: 2115–AC37

1606. GUIDELINES ON NAVIGATION BRIDGE VISIBILITY (85-099)

Significance: Nonsignificant

Legal Authority: 46 USC 369; 46 USC 391a

CFR Citation: 33 CFR 164; 46 CFR 32; 46 CFR 72; 46 CFR 91; 46 CFR 92; 46 CFR 108; 46 CFR 157; 46 CFR 190

Legal Deadline: None

Abstract: Limited visibility from the navigation bridge of vessels has been identified as a factor in vessel casualties and near-misses. This action would establish standards for acceptable limits of visibility based on existing international guidelines. Because the primary focus is on new vessel design, costs are estimated to be minimal compared to potential benefits in casualties prevented.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/89

Additional Information: Formerly entitled Navigation Bridge Visibility.

Agency Contact: Mr. E. LaRue, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0416

RIN: 2115–AC42

1607. FIRE EXTINGUISHERS (PORTABLE AND SEMI-PORTABLE) - REVISING APPROVAL SPECIFICATIONS AND UPDATING CARRIAGE REQUIREMENTS (86-072)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 162; 46 CFR 25; 46 CFR 34; 46 CFR 76; 46 CFR 95; 46 CFR 108; 46 CFR 168; 46 CFR 181; 46 CFR 193; 33 CFR 145; 33 CFR 149

Legal Deadline: None

Abstract: Action being considered would update approval specifications for portable and semiportable fire extinguishers to incorporate minimum acceptance standards, and minimum factory quality control and independent laboratory inspection levels; it would update extinguisher carriage and inspection requirements on vessels to reflect current fire extinguisher technology.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mr. Klaus Wahle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC43

1608. SOLAS 74/83 LIFE JACKET APPROVAL REQUIREMENTS REVISION (85-200)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish Coast Guard approval requirements for lifejackets meeting the 1983 Amendments to the 1974 safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is the first in a series of projects, numbered 85-200 to 85-211, which have been split off from Coast Guard 84-069 which implemented the 1983 Amendments to SOLAS 1974. So many revisions were necessary that it was better to make several small and easily identifiable projects rather than a large and confusing one. Because of staffing assignments, the projects may not be completed in numerical order, and many cannot be given estimated completion dates.

Agency Contact: Mr. Samuel Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC46

1609. SOLAS 74/83 LIFEBOAT AND RESCUE BOAT APPROVAL REQUIREMENTS (85-201)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: The purpose of this proposal is to establish Coast Guard approval requirements for lifeboats and rescue boats which will meet the 1974 Safety of Life at Sea Convention as amended in 1983.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC47

1610. REVISION OF PYROTECHNIC DISTRESS SIGNAL APPROVAL REQUIREMENTS: SOLAS 74/83 (85-203)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: The purpose of this proposal is to develop approval requirements for pyrotechnic distress signals which meet the provisions of the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. B. Berringer, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC49

1611. REVISION OF DISEMBARKATION LADDER APPROVAL REQUIREMENTS: SOLAS 74/83 (85-204)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This proposal would establish approval requirements for disembarkation ladders meeting the 1983 Amendments to the Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100

Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC50

1612. REVISION TO INFLATABLE LIFERAFT APPROVAL: SOLAS 74/83 (85-205)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish approval requirements for inflatable liferafts meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite
Comment Period Extended to 10/14/85 RIN AA50	07/05/85	50 FR 27628
Comment Period Extended to 01/10/86 RIN AA50	09/09/85	50 FR 36639
NPRM	01/00/90	

Consolidated RIN AA50
ANPRM 06/29/81 (46 FR 33341)
NPRM 01/11/85 (50 FR 7558)

Consolidated RIN AA57
ANPRM 08/14/86 (51 FR 29117)
Public Meeting 12/22/86 (51 FR 45783)

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/90

Additional Information: Two related projects have been consolidated into this one: Inflatable Liferaft Stability (CGD 80-113) RIN AA50, and Servicing Inflatable Liferafts (CGD 81-010) RIN AA57.

Agency Contact: Mr. Milton Daniels, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC51

1613. REVISION OF LIFE JACKET LIGHT APPROVAL REQUIREMENTS: SOLAS 74/83 (85-211)

Significance: Nonsignificant

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This project would establish approval requirements for life jacket lights meeting the 1983 Amendments to the 1974 Safety of Life at Sea Convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC56

1614. TONNAGE MEASUREMENT OF VESSELS (87-015B)

Significance: Nonsignificant

Legal Authority: 46 USC 14102; 46 USC 14103

CFR Citation: 46 CFR 69

Legal Deadline: None

Abstract: This project would establish the International Convention on Tonnage Measurement of Ships, 1969, as the primary tonnage measurement system for measuring vessels of 79 feet and longer. The project will also extend simplified measurement to all vessels of less than 79 feet in length and eliminate all vessels of 79 feet in length and over from being measured under the simplified system.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/00/89

Additional Information: Formerly entitled Measurement of Vessels.

Agency Contact: Mr. Dennis Lamont, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593, 202 267-2992

RIN: 2115–AC67

1615. POSTING REQUIREMENTS ON INSPECTED VESSELS (87-031)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91; 46 CFR 167; 46 CFR 176; 46 CFR 189

Legal Deadline: None

Abstract: Various laws, international agreements, and Coast Guard regulations require the posting of specific certificates, licenses, plans, operating instructions, and warnings onboard vessels. Some of these contain essential operational data which must be accessible at all times; others are primarily informational. This rulemaking project will seek to reduce posting requirements for nonessential operational data to reduce the burden on the public. Alternatives such as having items readily available rather than being posted are being considered.

Timetable:

Action	Date	FR Cite
ANPRM	08/24/87	52 FR 31786
ANPRM Comment Period End	11/24/87	52 FR 31786

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: As a result of the ANPRM, a new project was created to remove regulations requiring merchant vessels to post Form 811. A final rule was published under docket number 87-031a (RIN 2115-AC91) on 22 July 1988 (53 FR 27686).

Agency Contact: LCDR W. C. Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-1181

RIN: 2115–AC68

1616. REGATTAS AND MARINE PARADES (CGD 87-087)

Significance: Nonsignificant

Legal Authority: 33 USC 1233

CFR Citation: 33 CFR 100.15

Legal Deadline: None

Abstract: This proposal would amend current regatta and marine parade regulations to increase the lead time requirement for submitting regatta

permit applications. The rulemaking will allow the Coast Guard adequate time to review regatta permit applications, conduct appropriate coordination, and provide necessary public notice relating to regattas and marine events. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	02/04/88	53 FR 3221
NPRM Comment Period End	04/04/88	53 FR 3221
SNPRM	06/00/89	

Small Entities Affected: Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 02/04/88 (53 FR 3221)

Agency Contact: Mr. Carlton Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AC84

1617. SMALL PASSENGER VESSEL MANNING AND PERSONNEL QUALIFICATIONS (85-080A)

Significance: Nonsignificant

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7301; 49 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 15; 46 CFR 185; 49 CFR 1.46

Legal Deadline: None

Abstract: This proposal would require small passenger vessels to be manned by crew members who are trained specifically for this type of vessel and the service in which it is used.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: LCDR M. Wilson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC93

1618. LIFEBOAT, LIFERAFT AND RESCUE BOAT APPROVAL REQUIREMENTS - SOLAS 74/83 (85-201A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a

CFR Citation: 46 CFR 160; 46 CFR 161; 46 CFR 162; 46 CFR 164

Legal Deadline: None

Abstract: This project would revise approval requirements for position-indicating lights, coated cloth, foam buoyancy material and laminating resin used for survival craft and lifesaving equipment to meet the requirements of the international Safety of Life at Sea (SOLAS) convention.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR S. Deno, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593, 202 267-1444

RIN: 2115–AC94

1619. CARGO GEAR INSPECTION AND TESTING (87-089)

Significance: Nonsignificant

Legal Authority: 46 USC 170; 46 USC 363; 46 USC 367

CFR Citation: 46 CFR 31; 46 CFR 71; 46 CFR 91

Legal Deadline: None

Abstract: This project would change the quadrennial cargo gear inspection and testing interval to five years. Improvements in material have been recognized worldwide and other nations have gone to a five-year interval.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5642
NPRM Comment Period End	04/07/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/06/89 (54 FR 5642)

Agency Contact: LCDR S. Johnson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AD03

1620. PRIVATE ELECTRONIC AIDS TO MARITIME NAVIGATION (88-011)

Significance: Nonsignificant

Legal Authority: 14 USC 85

CFR Citation: 33 CFR 66; 33 CFR 164

Legal Deadline: None

Abstract: This proposal would amend the regulations on private aids to navigation by removing a restriction precluding the Coast Guard from permitting certain private electronic aids to navigation. The rulemaking might also amend regulations pertaining to vessels required to carry an electronic position-fixing device.

Timetable:

Action	Date	FR Cite
ANPRM	07/22/88	53 FR 27708
ANPRM Comment Period End	12/02/88	
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/89

Agency Contact: LT G. Self, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0299

RIN: 2115–AD04

1621. INCORPORATION AND ADOPTION OF INDUSTRY STANDARDS (88-032)

Significance: Nonsignificant

Legal Authority: 33 USC 1321j; 46 USC 3306; 46 USC 3703

CFR Citation: 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would consist of a review of 33 CFR and 46 CFR and incorporate American Society of Testing and Materials (ASTM) standards or adopt the ASTM Code as

appropriate in place of the regulations. The regulations for these items currently in Subchapter Q would be deleted.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/89

Agency Contact: Mr. F. Weidner, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AD05

1622. REQUIREMENTS FOR MARINE TERMINALS TRANSFERRING BULK LIQUEFIED HAZARDOUS GASES (88-049)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126

Legal Deadline: None

Abstract: This project would develop requirements for marine terminals transferring bulk liquefied hazardous gases (petroleum and chemical) and establish comparable levels of safety and contingency measures for these commodities as are now required for liquefied natural gas (LNG).

Timetable:

Action	Date	FR Cite
ANPRM	09/28/88	53 FR 37792
ANPRM Comment Period End	11/28/88	
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 07/00/89

Agency Contact: Mr. K. Szigety, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AD06

1623. ● AUTOMATIC AUXILIARY BOILERS (88-057)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 63

Legal Deadline: None

Abstract: This proposal would clarify the scope and applicability of Part 63, increase safety by preventing an increase in the air flow to a boiler's furnace immediately after an emergency trip, and substitute an industry consensus standard for existing requirements where an equivalent level of safety is provided. The time required for design approvals will be reduced by eliminating several administrative and plan review procedures. The end result should be an overall reduction in costs without compromising safety.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: Mr. R. Crenwelge, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AD11

1624. ● ACCESS DOCUMENTS TO WATERFRONT FACILITIES (88-097)

Significance: Nonsignificant

Legal Authority: EO 10277

CFR Citation: 33 CFR 125

Legal Deadline: None

Abstract: This proposal would reemphasize the Port Security Card as an access control document rather than a personal identification document.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: LCDR Neill, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0475

RIN: 2115–AD14

1625. ● QUALIFICATIONS FOR PERSONS IN CHARGE OF OIL TRANSFER OPERATIONS (79-116A)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 9102

CFR Citation: 33 CFR 155

Legal Deadline: None

Abstract: This project would establish qualifications of persons in charge of or assisting in the handling, transfer, and transportation of oil and hazardous liquid cargoes in bulk aboard vessels.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Additional Information: This project was split from Coast Guard Docket 79-116 (RIN 2115-AA03) which is also carried in this Agenda.

Agency Contact: Mr. C. Heizer, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593-0001, 202 267-0224

RIN: 2115–AD18

1626. ● GREAT LAKES PILOTAGE REGULATIONS (88-111)

Significance: Nonsignificant

Legal Authority: 46 USC 6101; 46 USC 7701; 46 USC 8105; 46 USC 9303; 46 USC 9304

CFR Citation: 46 CFR 401; 46 CFR 403

Legal Deadline: None

Abstract: In December of 1988 the Department of Transportation completed a study of the Great Lakes Pilotage System. The Secretary has approved the study and its recommendations for improving the system. This proposal would implement those recommendations.

DOT—USCG

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-0217

RIN: 2115–AD19

1627. ● SUMMONS IN LIEU OF SEIZURE OF COMMERCIAL FISHING-INDUSTRY VESSELS (CGD 89-003)

Significance: Nonsignificant

Legal Authority: 14 USC 633; 49 USC 322

CFR Citation: 33 CFR 1

Legal Deadline: Final, Statutory, February 16, 1989.
Section 6079 of the Act (Anti-Drug Abuse Act of 1988, PL 100-690) provides that regulations shall be prescribed by not later than 90 days after enactment of the act.

Abstract: Section 6079 of the Anti-Drug Abuse Act of 1988 (PL 100-690) requires the Secretary of Transportation to prescribe joint regulations with the Secretary of the Treasury which would provide for issuance of a summons to appear in lieu of seizure of a commercial fishing-industry vessel for violations involving the possession of personal-use quantities of a controlled substance. This proposal would implement that requirement.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Cdr. G. Gallion, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW., Washington, DC 20593-0001, 202 267-1534

RIN: 2115–AD20

1628. ● REGULATED NAVIGATION AREAS; BROWNSVILLE SHIP CHANNEL (8-89-01)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: In recent years the port of Brownsville, Texas, has experienced several casualties involving vessels to be scrapped. This proposal would limit the possibility of future casualties by requiring advance notice of arrival and inspection for watertight integrity and the presence of hazardous gas.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Lt. Crickard, Project Manager, Department of Transportation, U.S. Coast Guard, U.S.C.G. Marine Safety Office, P.O. Box 1621, Corpus Christi, TX 78403-1621, 512 888-3192

RIN: 2115–AD21

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Final Rule Stage

1629. + JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Significance: Agency Priority

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region. This rulemaking is significant because of international considerations.

Timetable:

Action	Date	FR Cite
NPRM	06/18/83	48 FR 37433
NPRM Comment Period End	10/03/83	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/18/83 (48 FR 37433)

Additional Information: All action on this proposal has been suspended pending legislative action by the Canadian Government.

Agency Contact: Lt. J. Sollosi, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0407

RIN: 2115–AA39

1630. + LICENSING OF PILOTS-MANNING OF VESSELS (84-060)

Significance: Agency Priority

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 8502

CFR Citation: 46 CFR 15.812; 46 CFR 10.700

Legal Deadline: None

Abstract: This proposal would: (1) delineate when certain inspected vessels are required to be under the direction and control of a pilot, (2) describe first class pilotage areas where local pilotage expertise is warranted, (3) allow licensed individuals to serve as pilot in areas not identified as first class pilotage areas on vessels that they are otherwise qualified to control, and (4) permit individuals with 5 years experience on towing vessel combinations of at least 5,000 gross tons while acting under the authority of a license as master, mate, or operator of uninspected towing vessels, with a minimum of 2 of the 5 years having been on towing vessels combinations of at least 10,000 gross tons, to obtain without a written examination, an

endorsement as first class pilot, restricted to tug and barge combinations only, for those routes over which they have made the required number of round trips. This action is considered significant because of public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 26117
NPRM Comment Period End	12/23/85	
SNPRM Supplemental	06/06/88	53 FR 20654
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/27/85 (50 FR 26117)

Additional Information: This proposal has been split from a previously published action identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04, completed in 50 FR 26106.

Agency Contact: Mr. J. Hartke, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-0217**

RIN: 2115–AB67

1631. + OFFSHORE EVACUATION PROCEDURES (84-098(B))

Significance: Agency Priority

Legal Authority: 43 USC 1333(d); 43 USC 1348(c); 43 USC 1356

CFR Citation: 33 CFR 140; 33 CFR 146

Legal Deadline: Final, Statutory, September 1, 1987.
Omnibus Budget Reconciliation Act of 1986 (PL 99-509)

Abstract: Would modify 33 CFR Subchapter N to require evacuation procedures for all Outer Continental Shelf (OCS) facilities on the U.S. OCS. This would apply to MODUs, both foreign and U.S.-flag; Fixed Platforms and Floating Facilities. Any designated standby vessel used as part of a plan would have to meet specific equipment requirements. This action is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/07/85	50 FR 9290
Comment Period Extended to 09/03/85	05/16/85	50 FR 20445
ANPRM Comment Period End	06/05/85	
NPRM	12/24/87	52 FR 48717
NPRM Comment Period End	01/25/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 12/24/87 (52 FR 48717)

Additional Information: CGD 84-098(b) Offshore Evacuation Procedures for OCS facilities separated from CGD 84-098, RIN AB74.

Agency Contact: LCDR A. Dupree, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-2307**

RIN: 2115–AC41

1632. + PREVENTION OF POLLUTION BY PLASTICS, ANNEX V OF MARPOL(88-002)

Significance: Agency Priority

Legal Authority: PL 100-220

CFR Citation: 33 CFR 151; 33 CFR 158

Legal Deadline: None

Abstract: This proposal would implement Annex V of the International Convention for the Prevention of Pollution by Ships, 1973. The Act to Prevent Pollution from Ships, as amended by Title II of P. L. 100-220, requires the Secretary to administer and enforce the annex. The Act would reduce the incidence of discharges of plastics, including synthetic fishing nets and other ship-generated garbage, into the oceans. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/88	53 FR 23884
ANPRM Comment Period End	07/25/88	
NPRM	10/27/88	53 FR 43622
Notice of Public Hearing	10/27/88	53 FR 43622
Correction to NPRM	11/04/88	53 FR 44617
NPRM Comment Period End	11/28/88	
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/27/88 (53 FR 43622); Environmental Evaluation 10/27/88 (53 FR 43622)

Agency Contact: LCDR J. Whitehead, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, **202 267-0491**

RIN: 2115–AC89

1633. HOPPER DREDGE WORKING FREEBOARD - LOAD LINE AND STABILITY REQUIREMENTS (76-080)

Significance: Nonsignificant

Legal Authority: 43 USC 1333(d); 46 USC 3306; 46 USC 3703; 46 USC 5115

CFR Citation: 46 CFR 42; 46 CFR 44; 46 CFR 45; 46 CFR 174; 46 CFR 170

Legal Deadline: None

Abstract: Would permit self-propelled hopper dredge to load to a deeper draft (working freeboard). Only dredges desiring working freeboard must comply. This project would also establish requirements for load lines and stability.

Timetable:

Action	Date	FR Cite
ANPRM	08/02/76	41 FR 32237
NPRM	12/10/79	44 FR 70791
SNPRM	01/24/80	45 FR 5780
SNPRM	12/14/87	52 FR 47422
SNPRM	02/22/88	53 FR 5200
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: Mr. W. Hayden, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, **202 267-2988**

RIN: 2115–AA11

DOT—USCG

Final Rule Stage

1634. DEALER AND FIRST-PURCHASER LIST (77-115)

Significance: Nonsignificant

Legal Authority: 46 USC 4310

CFR Citation: 33 CFR 179.01 to 179.19

Legal Deadline: None

Abstract: This rulemaking would require marine dealers to furnish boat and engine manufacturers with serial numbers of new boats and engines sold and the names and addresses of retail first purchasers of those products. Manufacturers would use the information to locate purchasers of boats and engines recalled for defects which create a substantial risk of personal injury to the public and for failures to comply with applicable regulations. Currently many manufacturers cannot obtain sufficient first-purchaser information and their attempts to notify during recalls are inadequate.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475
SNPRM	05/29/87	52 FR 20115
SNPRM	12/16/87	52 FR 47590

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/16/87 (52 FR 47950)

Additional Information: As a result of a substantial number of negative comments on the SNPRM and a substantially larger estimated annual burden on the public, the Coast Guard is looking for other ways to accomplish the objectives of the regulatory project. The next action will consist of a third SNPRM or initiation of a new regulatory project. (Former title was Defect Notification and First- Purchaser Information.)

Agency Contact: Mr. Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0961

RIN: 2115–AA16

1635. STANDARDS FOR VESSEL PIPING SYSTEMS (77-140)

Significance: Nonsignificant

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 50; 46 CFR 56

Legal Deadline: None

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards. An SNPRM was issued to include clarifying language and to delete the manufacturers' affidavit system.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period End	03/11/85	
Comment Period Extended	03/21/85	50 FR 11397
SNPRM	05/18/88	53 FR 17868
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/09/85 (50 FR 1073)

Additional Information: Docket No. CGD 77-140. Formerly entitled Miscellaneous Changes to 46 CFR 56 and, subsequently, Vessel Piping Systems.

Agency Contact: Mr. H. Hime, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AA17

1636. HYBRID PERSONAL FLOTATION DEVICES: ESTABLISHMENT OF APPROVAL REQUIREMENTS (78-174)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project would establish performance standards for hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/29/85	50 FR 21862
NPRM Comment Period End	07/15/85	
Interim Final Rule	08/22/85	50 FR 33923
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/22/85 (50 FR 33923)

Additional Information: A related project is listed in this agenda. That project is CGD 78-174b (RIN 2115-AC16), Carriage and Operational Requirements for Inflatable Life Jackets.

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA29

1637. OFFSHORE CRANES: STANDARDS AND OPERATOR QUALIFICATIONS (79-059)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Legal Deadline: None

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	02/14/86	51 FR 5547
NPRM Comment Period End	08/15/86	51 FR 21379

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/14/86 (51 FR 5547)

Additional Information: Talks are underway between the Coast Guard and the Minerals Management Service to determine who will exercise control over cranes located on offshore platforms. Work on the proposed rule is suspended pending the conclusion of those negotiations.

DOT—USCG **Final Rule Stage**

Agency Contact: LDCR Stephen Johnson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-2997

RIN: 2115–AA34

1638. LAUNCHING DEVICES FOR INFLATABLE LIFERAFTS (79-168)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Legal Deadline: None

Abstract: This project would establish standards, procedures, and tests for approving equipment used to launch inflatable liferafts from vessels and offshore platforms.

Timetable:

Action	Date	FR Cite
NPRM	02/13/86	50 FR 5377
NPRM Comment Period End	05/13/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/13/86 (51 FR 5377)

Agency Contact: LCDR Deno, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA45

1639. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Significance: Nonsignificant

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Legal Deadline: None

Abstract: This proposal would establish the general bridge-permit program. There is an initiative to transfer the Bridge Program to the Corps of Engineers. If the Corps agrees and the Congress approves, the program will be transferred.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
NPRM Supplemental	04/24/86	51 FR 15503

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/24/86 (51 FR 15503)

Additional Information: This project is inactive pending a decision on the transfer of the Bridge program from the Coast Guard to the Corps of Engineers.

Agency Contact: Mr. N. Mpras, Assistant Division Chief, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0368

RIN: 2115–AA61

1640. POLLUTION RULES FOR SHIPS CARRYING HAZARDOUS LIQUIDS (81-101)

Significance: Nonsignificant

Legal Authority: 46 USC 3507; 46 USC 3703

CFR Citation: 46 CFR 30; 46 CFR 98; 46 CFR 151; 46 CFR 153

Legal Deadline: None

Abstract: The Coast Guard published rules implementing Annex II of MARPOL 73/78 on 03/12/87 (52 FR 7765). Experience under this rule has disclosed several areas that require clarification. This rule would clarify requirements of the Annex. An interim final rule was effective August 31, 1988; comment period closed September 15, 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/01/88	53 FR 28970
Final Action	04/10/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/10/89

Agency Contact: Mr. Thomas Felleison, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. S.W., Washington, DC 20593-0001, 202 267-1217

RIN: 2115–AA73

1641. SAFETY/SECURITY ZONE REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 1233; 33 USC 1225

CFR Citation: 33 CFR 100; 33 CFR 165

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/90.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AA97

1642. ANCHORAGE AREA REGULATIONS

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035; 33 USC 2071

CFR Citation: 33 CFR 110

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to continue through 10/00/90.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AA98

1643. CARRIAGE AND USE OF LIQUEFIED OR NONLIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Legal Deadline: None

Abstract: This proposal incorporates the National Fire Protection Association's standards for liquefied flammable gas and compressed natural gas as cooking fuels on passenger vessels. The Association's standards include wood and coal stoves which were not mentioned in the NPRM for this project. An Interim Final Rule invited comments on the standards for wood and coal stoves.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
SNPRM	04/18/86	50 FR 15522
Interim Final Rule	02/10/89	54 FR 6396
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/22/84 (49 FR 10685)

Additional Information: Docket No. CGD 83-013.

Agency Contact: LCDR VanHaverbeke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AB35

1644. OIL POLLUTION PREVENTION, MARPOL ANNEX I (85-026)

Significance: Nonsignificant

Legal Authority: 33 USC 1321; 33 USC 1902; 33 USC 1903

CFR Citation: 33 CFR 155; 33 CFR 151

Legal Deadline: None

Abstract: This rulemaking would implement various provisions of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 Relating Thereto (MARPOL 73/78). These proposed changes are largely editorial.

Timetable:

Action	Date	FR Cite
NPRM	02/07/86	51 FR 4768
NPRM Comment Period End	03/24/86	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/89

Additional Information: Formerly entitled MARPOL Pollution Prevention Regulations.

Agency Contact: CDR David Pascoe, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0421

RIN: 2115–AC11

1645. PERFORMANCE STANDARDS AND APPROVAL PROCEDURES FOR INFLATABLE LIFE JACKETS (78-174B)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4104; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 26; 46 CFR 30; 46 CFR 33; 46 CFR 35; 46 CFR 70; 46 CFR 75; 46 CFR 78; 46 CFR 90; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 109; 46 CFR 160; 46 CFR 167; ...

Legal Deadline: None

Abstract: This project would establish approval and operating requirements for inflatable life jackets. Their use would be optional.

Timetable:

Action	Date	FR Cite
NPRM	05/29/85	50 FR 21878
NPRM Comment Period End	07/15/85	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/29/85 (50 FR 21878)

Additional Information: This project, and a companion, Recreational Hybrid PFD's (78-174a), split from the rule titled Hybrid PFD's; Establishment of Approval Requirements (78-174) (RIN: 2115-AA29), which was published as an interim final rule (50 FR 33923). The former title of the rulemaking herein was Carriage and Operational Requirements for Inflatable Life Jackets (CGD 78-174b).

Agency Contact: Mr. Wehr, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC16

1646. INTERVALS FOR INTERNAL EXAMINATION AND HYDROSTATIC TESTING OF PRESSURE VESSEL TYPE CARGO TANKS (85-061)

Significance: Nonsignificant

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 38; 46 CFR 151; 46 CFR 54; 46 CFR 98

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the regulations that govern internal inspection and hydrostatic test intervals for pressure vessel cargo tanks on barges that transport liquefied gaseous cargoes and grade A flammable liquids.

Timetable:

Action	Date	FR Cite
ANPRM	12/03/85	50 FR 49536
ANPRM Comment Period End	03/03/86	
NPRM	09/08/87	52 FR 33841
Comment Period Extended to 03/07/88	12/01/87	52 FR 45665
NPRM Comment Period End	03/07/88	52 FR 45665
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/08/87 (52 FR 33841)

Agency Contact: LCDR Powers, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC18

1647. REVISED APPROVAL SPECIFICATIONS FOR NONCOMBUSTIBLES AND PROHIBITION OF ASBESTOS FOR COMMERCIAL VESSELS (86-035)

Significance: Nonsignificant

DOT—USCG

Final Rule Stage

Legal Authority: 46 USC 3306 (a)

CFR Citation: 46 CFR 30 to 40; 46 CFR 70; 46 CFR 188 to 196; 46 CFR 140 to 154; 46 CFR 90

Legal Deadline: None

Abstract: Proposal would revise the approval specifications for noncombustible materials for merchant vessel construction to delete asbestos as an acceptable noncombustible material.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48557
NPRM Comment Period End	01/17/89	53 FR 48557
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/89

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AC32

1648. CARGO LISTS AND TABLES UPDATE (CGD 88-100 AND 88-100A)

Significance: Nonsignificant

Legal Authority: 46 USC 3703; 49 USC 1804

CFR Citation: 46 CFR 1.46(b); 46 CFR 1.46(t); 46 CFR 1.46(u); 46 CFR 30; 46 CFR 150; 46 CFR 151; 46 CFR 153; 46 CFR 154

Legal Deadline: None

Abstract: The Coast Guard periodically issues rules listing additional cargoes which may be carried on tank vessels. Since this action is recurrent, the Coast Guard has established a continuing docket for this type of action. Notices for this rule are anticipated in Jan./Feb. of each year. Final rules will be completed prior to September 30 of each year.

Timetable:

Action	Date	FR Cite
Final Rule	06/04/87	52 FR 21036
NPRM	12/05/88	53 FR 49016
NPRM Comment Period End	01/19/89	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/05/88 (53 FR 49016)

Additional Information: Former regulation title: Noxious Liquid Substances Lists (CGD 88-100a; Bulk Hazardous Materials (CGD 88-100)(53 FR 49018). The RIN AC35 is used for both entries in the Federal Register.

Agency Contact: Dr. M. Parnarouskis/Mr. Payne, Chemical Engineer, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AC35

1649. ADVANCE NOTICE OF ARRIVAL (CGD 86-055)

Significance: Nonsignificant

Legal Authority: 33 USC 1223(a)(5)

CFR Citation: 33 CFR 160

Legal Deadline: None

Abstract: This revision to 33 CFR 160 Subpart C would require advance notices from all foreign commercial vessels of less than 1600 gross tons bound for parts or places in the Miami Captain of the Port zone. Currently 33 CFR 160.201(c)(1) excepts all vessels of less than 1600 gross tons from reporting advance notices of arrival. The revision would require vessels of more than 1600 gross tons to provide to the COTP crew makeup and charter information at least 24 hours prior to entering ports or places within the COTP zone.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35095
NPRM Comment Period End	10/24/88	
Final Action	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35095)

Agency Contact: Lt. J. McDowell, Office of Marine Safety, Security and Environmental Protection, Department of Transportation, U.S. Coast Guard, Commandant (G-MPS-3), 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0491

RIN: 2115–AC58

1650. ALTERNATIVE PROVISIONS FOR REINSPECTIONS OF OFFSHORE SUPPLY VESSELS IN FOREIGN PORTS (CGD 82-004A)

Significance: Nonsignificant

Legal Authority: 46 USC 3306; 46 USC 3301(3)

CFR Citation: 46 CFR 91

Legal Deadline: None

Abstract: The Coast Guard is proposing to amend the regulations concerning the reinspection of offshore supply vessels (OSVs) in foreign ports. Currently OSVs holding two year certificates of inspection are reinspected between the 10th and 14th month of the certificate's period. In recent years, more OSVs have been based overseas in remote locations. Vessel owners must reimburse the Coast Guard for inspector travel and per diem costs in connection with foreign inspections. This action would propose an alternative to the traditional Coast Guard mid-period reinspection. The benefits would be flexibility and financial savings to the OSV industry and more effective use of Coast Guard resources.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17477
NPRM Comment Period End	08/15/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17477)

Agency Contact: LCDR Bennett, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC86

1651. DELEGATION OF AUTHORITY TO AREA COMMANDERS WHEN FUNCTIONING AS MARITIME DEFENSE ZONE COMMANDERS (CGD 87-065)

Significance: Nonsignificant

Legal Authority: 50 USC 191; 33 USC 1231

CFR Citation: 33 CFR 6

Legal Deadline: None

DOT—USCG

Final Rule Stage

Abstract: Following the 1986 reorganization of the Coast Guard, Area Commanders do not have authority to establish security zones, control vessels, or perform other necessary actions. This rule would delegate that authority to the Area Commanders. Since this proposa' deals with agency procedure, it will be issued as a rule with no notice of proposed rulemaking.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: LCDR C. Crampton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0489

RIN: 2115–AC88

1652. FLOATING ELECTRIC WATERLIGHTS (85-208)

Significance: Nonsignificant

Legal Authority: 46 USC 3306a

CFR Citation: 46 CFR 161

Legal Deadline: None

Abstract: This proposal would replace the detailed design, inspection and test requirements for floating electric waterlights with the incorporation by reference of various industry standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48558
NPRM Comment Period End	03/01/89	53 FR 48558
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/01/88 (53 FR 48558)

Agency Contact: Mr. R. Crenwelge, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-2206

RIN: 2115–AC95

1653. ANCHORAGE REGULATIONS (86-079)

Significance: Nonsignificant

Legal Authority: 33 USC 471; 33 USC 2030; 33 USC 2035

CFR Citation: 33 CFR 165; 33 CFR 110

Legal Deadline: None

Abstract: This proposal would update the anchorage regulations by removing non-regulatory, obsolete or duplicative language; by standardizing the anchorage description format; by publishing subparts A and B as two parts: Part 110 - Special Anchorage Areas and Part 111 - Anchorage Grounds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/88	53 FR 7949
NPRM Comment Period End	05/11/88	
SNPRM expanding revisions - comments by 02/03/89	12/05/88	53 FR 48935
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7949)

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-0415

RIN: 2115–AC96

1654. AIDS TO NAVIGATION SYSTEM, REMOVAL OF REFERENCES (88-018)

Significance: Nonsignificant

Legal Authority: 14 USC 85; 33 USC 1233; 43 USC 1333(d)

CFR Citation: 33 CFR 62

Legal Deadline: None

Abstract: This project would remove parenthetical references now in the regulations to an old color scheme which is no longer used.

Timetable:

Action	Date	FR Cite
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/00/90

Agency Contact: LTJG Wulfkuhle, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1973

RIN: 2115–AC97

1655. DOCUMENTATION OF VESSELS - CONTROLLING INTEREST (88-031)

Significance: Nonsignificant

Legal Authority: PL 100-239

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 requires that for any United States-built vessel to be eligible for a fishery license the controlling interest in any corporation which owns the vessel must be owned by individuals who are citizens of the United States. This project would implement the provisions of the Act.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41211
NPRM Comment Period End	11/21/88	
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/20/88 (53 FR 41211)

Agency Contact: LCDR Oxley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-1492

RIN: 2115–AC99

1656. CIVIL APPEALS PROCEDURES (88-033)

Significance: Nonsignificant

Legal Authority: 5 USC 552; 14 USC 633

CFR Citation: 46 CFR 1

Legal Deadline: None

Abstract: In order to reduce repetitive sections and improve clarity, this project would add an "Appeals" section in Part 1 of Chapter I and delete other civil appeals sections.

DOT—USCG **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Lt. M. Raber, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001], 202 267-2997

RIN: 2115–AD00

1657. MISSISSIPPI RIVER; REGULATED NAVIGATION AREA (88-075)

Significance: Nonsignificant

Legal Authority: 33 USC 1225; 33 USC 1231; 50 USC 191

CFR Citation: 33 CFR 165

Legal Deadline: None

Abstract: This proposal would eliminate the current Coast Guard requirement to record the identification of each towboat that moves a barge into, within, or out of a facility on the lower Mississippi River. The result of this proposal would be a reduction in the information collection burden imposed on the public.

Timetable:

Action	Date	FR Cite
NPRM	12/02/88	53 FR 48653
NPRM Comment Period End	01/17/89	53 FR 48653
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/02/88 (53 FR 48653)

Additional Information: Formerly entitled: Part 165--Regulated Navigation Areas and Limited-Access Areas.

Agency Contact: Mr. R. Robertson, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-0406

RIN: 2115–AD07

1658. ● DISESTABLISHMENT OF VESSEL TRAFFIC SERVICE: NEW ORLEANS (88-056)

Significance: Nonsignificant

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Legal Deadline: None

Abstract: This project would eliminate references to the Vessel Traffic Service (VTS) in New Orleans since the VTS has been disestablished.

Timetable:

Action	Date	FR Cite
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: LT Sollosi, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0407

RIN: 2115–AD10

1659. ● WRITTEN WARNINGS BY COAST GUARD LAW ENFORCEMENT OFFICIALS (88-074)

Significance: Nonsignificant

Legal Authority: 14 USC 633

CFR Citation: 33 CFR 1

Legal Deadline: None

Abstract: This proposal would clarify which Coast Guard Officials may issue written warnings for violations of statutes and regulations.

Timetable:

Action	Date	FR Cite
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/00/89

Agency Contact: LCDR B. Pickard, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593-0001, 202 267-0014

RIN: 2115–AD13

DEPARTMENT OF TRANSPORTATION (DOT)

U.S. Coast Guard (USCG)

Completed Actions

1660. + LICENSING OF MARITIME PERSONNEL (CGD 81 - 059)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 7101; 46 USC 7701; 46 USC 8105

CFR Citation: 46 CFR 10; 46 CFR 12; 46 CFR 15; 46 CFR 30; 46 CFR 31; 46 CFR 35; 46 CFR 151; 46 CFR 185; 33 CFR 155

Legal Deadline: None

Abstract: Final rule amends the licensing regulations to simplify administration and improve readability; it also provides a license structure for all mariners with which to advance in an orderly career pattern and deletes many unnecessary and outdated licenses. This regulation has been made significant because of its far-reaching impact on all licensed officers of the merchant marine.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
NPRM Supplemental	10/24/85	50 FR 43316
Interim Final Rule	10/16/87	52 FR 38614
Final Action	01/04/89	54 FR 125
Final Action Effective	02/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/04/89 (54 FR 125)

Additional Information: Licensing of Officers and Operators for Mobile Offshore Drilling Units (CGD 81-59a) was split from this docket and appears elsewhere in this Agenda with RIN 2115-AB91.

Agency Contact: LCDR Jenkins, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 267-0224

RIN: 2115–AA64

1661. + PROGRAMS FOR CHEMICAL DRUG AND ALCOHOL TESTING OF COMMERCIAL VESSEL PERSONNEL (CGD 86-067)

Significance: Agency Priority

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 7101; 46 USC 7503; 46 USC 7701; 46 USC 6101

CFR Citation: 46 CFR 5; 46 CFR 16; 46 CFR 4

Legal Deadline: None

Abstract: Due to the safety and health concerns associated with drug abuse by merchant marine personnel, as well as legal restrictions on drug use, the Coast Guard promulgated rules which include: periodic drug tests (urinalysis) as part of required physical examinations; preemployment testing and random sampling programs for all marine employees as well as post-accident and reasonable-cause testing. The post-accident and reasonable cause portions of the program also involve testing for alcohol use. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 25926
Notice of Public Hearings	07/26/88	53 FR 28024
NPRM Comment Period End	09/06/88	
Final Action	11/21/88	53 FR 47064
Final Action Effective	12/21/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 11/21/88 (53 FR 47064)

Additional Information: This project now includes Coast Guard Docket 86-030 (RIN 2115- AC62)

Agency Contact: Mr. S. T. Connaughton, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0229

RIN: 2115–AC45

1662. + REGULATIONS FOR SELF-ELEVATING OFFSHORE SERVICE AND SUPPORT VESSELS (CGD 86-074)

Significance: Agency Priority

Legal Authority: 46 USC 3306; 46 USC 3301

CFR Citation: 46 CFR 125 to 136; 46 CFR 170; 46 CFR 173; 46 CFR 174

Legal Deadline: None

Abstract: The Coast Guard is proposing regulations that will establish safety standards for self-elevating offshore service vessels commonly known as liftboats.

Timetable:

Action	Date	FR Cite
ANPRM	04/16/87	52 FR 12439
ANPRM Comment Period End	07/16/87	52 FR 12439
Combined with RIN 2115-AA77	12/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This project was combined with Coast Guard Docket 82-004 (RIN 2115-AA77) and will appear in this agenda under that number, titled Offshore Supply Vessel Regulations.

Agency Contact: LCDR Rosecrans, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St., SW, Washington, DC 20593-0001, 202 267-2987

RIN: 2115–AC63

1663. INFLATABLE LIFERAFT STABILITY (80-113)

Significance: Nonsignificant

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This project contemplated rules for the function, size, and placement of stability appendages. It has been consolidated into CGD 85-205 (RIN 2115-AC51), Revision to Inflatable Liferaft Approval.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1558
NPRM Comment Period End	04/11/85	
Comment Period Extended to 10/14/85	07/05/85	50 FR 27628
Comment Period Extended to 01/10/86	09/09/85	50 FR 36639
Consolidated with docket 85-205	10/12/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/11/85 (50 FR 1558)

Additional Information: This project was combined into Coast Guard docket 85-205 (RIN 2115-AC51).

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA50

1664. SERVICING INFLATABLE LIFERAFTS (81-010)

Significance: Nonsignificant

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Legal Deadline: None

Abstract: This proposed action would have revised inflatable liferaft servicing procedures and reduced direct Coast Guard involvement in the servicing of individual liferafts. This project has been consolidated into CGD 85-205 (RIN 2115-AC51), Revision to Inflatable Liferaft Approval.

Timetable:

Action	Date	FR Cite
ANPRM	08/14/86	51 FR 29117
Public Meeting Notice - meeting held on 01/27/87	12/22/86	51 FR 45783

Action	Date	FR Cite
ANPRM Comment Period End	02/10/87	
Consolidated into RIN AC 51	10/12/88	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This project and docket number 85-205 were combined into a new project. The new entry is carried in this agenda under RIN 2115-AC51.

Agency Contact: Mr. Milton Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-1444

RIN: 2115–AA57

1665. BOATING CASUALTY AND ACCIDENT REPORTING; ACCIDENT REPORTING THRESHOLDS (82-015)

Significance: Nonsignificant

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Legal Deadline: None

Abstract: This action amends casualty and accident reporting requirements for operators of recreational boats involved in boating accidents, by raising the threshold for requiring an accident report from $200 to $500.

Timetable:

Action	Date	FR Cite
NPRM	04/25/88	53 FR 13417
Comment Period Extended to 07/25/88	06/10/88	53 FR 21856
NPRM Comment Period End	06/24/88	53 FR 13417
Final Action	02/06/89	54 FR 5608
Final Action Effective	03/08/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/25/88 (53 FR 13417)

Additional Information: Formerly entitled Casualty Reporting Requirements for Recreational Boats.

Agency Contact: Mr. Carlton Perry, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0979

RIN: 2115–AA82

1666. 46 CFR SUBCHAPTER 1. EDITORIAL REVISIONS AND CORRECTIONS (86-033)

Significance: Nonsignificant

Legal Authority: 46 USC 1801 to 1812

CFR Citation: 46 CFR 2 to 195

Legal Deadline: None

Abstract: This final rule corrects or removes outdated cross-references and statutory citations related to the transportation of hazardous materials throughout 46 CFR Chapter 1.

Timetable:

Action	Date	FR Cite
Final Action	09/16/88	53 FR 36022

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/16/88 (53 FR 36022)

Additional Information: Project entailed replacement of "46 CFR" and "49 CFR" with necessary revised lead-ins.

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 2nd St. SW, Washington, DC 20593-0001, 202 267-1577

RIN: 2115–AC28

1667. UNINSPECTED FISH-PROCESSING VESSELS (86-025)

Significance: Nonsignificant

Legal Authority: PL 98-364

CFR Citation: 46 CFR 27

Legal Deadline: None

Abstract: This rulemaking project would implement the provisions of the Commercial Fishing Industry Vessel Act which requires development of regulations for uninspected fish processing vessels that enter into service after December 31, 1987 and carry more than 16 persons who are primarily employed in the preparation of fish products.

Timetable:

Action	Date	FR Cite
ANPRM	07/09/87	52 FR 25890
Correction to ANPRM	08/10/87	52 FR 29556
ANPRM Comment Period End	09/08/87	52 FR 25890
Combined into RIN AD12	12/29/88	53 FR 52735

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This project has been combined with Coast Guard Docket number 88-079 which will implement the provisions of Public Law 100-424, Commercial Fishing Industry Vessel Safety Act of 1988 (carried in the Agenda under RIN 2115-AD12).

Agency Contact: LCDR G. Powers, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1181

RIN: 2115–AC34

1668. INCORPORATIONS BY REFERENCE, VOLUNTARY INDUSTRY STANDARDS (CGD 87-046)

Significance: Nonsignificant

Legal Authority: 46 USC 4302; 49 CFR 1.46

CFR Citation: 33 CFR 183.5; 33 CFR 183.430; 33 CFR 183.435; 33 CFR 183.505; 33 CFR 183.516; 33 CFR 183.610

Legal Deadline: None

Abstract: Rule amends 33 CFR 183, Subparts I, J and K, adopting the latest versions of voluntary industry standards by incorporation by reference. These changes do not involve substantive changes and are being published as as a final rule (editorial change).

Timetable:

Action	Date	FR Cite
Final Action	09/23/88	53 FR 36970
Final Action Effective	10/23/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/23/88 (53 FR 36970)

Additional Information: Final rule also encompasses Electrical System Standards (CGD 87-009) RIN AC73. Incorporation by reference of UL 1426 in 33 CFR 183 is approved as of 03/22/89. Incorporations by reference of

UL 1114, NFPA 70, SAEJ 378, IEEE 45, and ASTMD-1622 are approved as of 09/23/88.

Agency Contact: Mr. Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0981

RIN: 2115–AC72

1669. ELECTRICAL SYSTEM STANDARD (CGD 87-009)

Significance: Nonsignificant

Legal Authority: 46 USC 4302; 49 CFR 1.46

CFR Citation: 33 CFR 183

Legal Deadline: None

Abstract: Final rule amends current regulations on electrical systems for new boats by incorporating Underwriters Laboratories (UL) Standard 1426 by reference to replace UL Standard 83 in Subpart I of Part 83. The rule also deletes a general reference to acceptable wire types in circuits of 50 volts or more. The effect is to recognize one of the most widely used wire types, UL boat cable, and to delete a very general reference that is not considered useful.

Timetable:

Action	Date	FR Cite
NPRM	11/23/87	52 FR 44918
NPRM Comment Period End	02/22/88	52 FR 44918
Final Action	09/23/88	53 FR 36970

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/23/88 (53 FR 36970)

Additional Information: This project now incorporates the provisions of Coast Guard Docket 87-046 (RIN 2115-AC72), Incorporation by Reference; Voluntary Industry Standards. Incorporation by reference of UL 1426 in 33 CFR 183 is approved on 03/22/89. Incorporations by reference of UL 1114, NFPA 70, SAEJ 378, IEEE 45, and ASTM D-1622 are approved as of 09/23/88.

Agency Contact: Mr. Alston Colihan, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0981

RIN: 2115–AC73

1670. PORT ACCESS ROUTES; APPROACH TO MOBILE, ALABAMA (CGD 88-034)

Significance: Nonsignificant

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 166

Legal Deadline: None

Abstract: This rule modified the fairway in the approach to Mobile, Alabama.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 24959
NPRM Comment Period End	08/01/88	53 FR 24959
Final Action	09/20/88	53 FR 36453
Final Action Effective	09/20/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 07/01/88 (53 FR 24959)

Agency Contact: Ms. M. Hegy, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 2nd St., SW, Washington, DC 20593, 202 267-0415

RIN: 2115–AC81

1671. DOCUMENTATION OF VESSELS - CODIFICATION OF LAW (88-030)

Significance: Nonsignificant

Legal Authority: PL 100-239

CFR Citation: 46 CFR 67

Legal Deadline: None

Abstract: The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 was recently enacted. The act prohibits United States-built fishing vessels from being extensively rebuilt overseas. This project implements the provisions of the Act.

Timetable:

Action	Date	FR Cite
Final Action	10/20/88	53 FR 41166
Final Action Effective	10/20/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/20/88 (53 FR 41166)

Agency Contact: LCDR Oxley, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second St. SW, Washington, DC 20593-0001, 202 267-1492

RIN: 2115–AC98

1672. SUSPENSION OF BARREL FEES(88-050)

Significance: Nonsignificant

Legal Authority: 46 USC 1811

CFR Citation: 33 CFR 135

Legal Deadline: None

Abstract: The Offshore Oil Pollution Compensation Fund balance is now within the maintenance level range required by statute. This rule suspends the barrel fee which feeds the fund until the fund balance falls below the required level.

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37794
NPRM Comment Period End	11/14/88	
Final Action	12/30/88	53 FR 52995
Final Action Effective	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/30/88 (53 FR 52995)

Agency Contact: Mr. F. Martin, Project Manager, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593-0001, 202 267-0520

RIN: 2115–AD01

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Federal Aviation Administration (FAA)

1673. ● + IMPLEMENTATION OF CRASHWORTHY FUSELAGE FUEL TANKS AND FUEL LINES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; PL 100-591

CFR Citation: 14 CFR 25

Legal Deadline: NPRM, Statutory, February 3, 1989.
Public Law 100-591

Abstract: The FAA is issuing this advance notice in compliance with Section 9(a) of Public Law 100-591, the "Aviation Safety Research Act of 1988." The objective of this preliminary action is to determine the feasibility of installing in all air-carrier aircraft crashworthy fuselage fuel tanks and fuselage fuel lines which are resistant and which disconnect and seal in the event of an accident. This advance notice solicits public participation in identifying and selecting a regulatory course of action by inviting interested persons to submit specific comments and arguments concerning the proposed regulatory action. This rulemaking is considered significant because of statutory requirements.

Timetable:

Action	Date	FR Cite
ANPRM	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James Walker, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2116

RIN: 2120–AC87

1674. REVIEW: PART 21– CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also evaluate the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9372

RIN: 2120–AB09

1675. REVIEW: PART 121 -- CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary Martindell, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3749

RIN: 2120–AB27

1676. REVIEW: PART 135 -- AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800

Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AB28

1677. FLIGHT ENGINEER TRAINING

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Legal Deadline: None

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 22781.

Formerly titled Accelerated Ground Training - Flight Engineers' Skill Requirements.

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AA79

1678. INSTRUMENT FLIGHT RULE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: The FAA is considering rulemaking to revise several sections of Part 135 dealing with instrument flight rules. The proposed rule would: (1) permit IFR operations enroute with a VFR buffer zone underneath the cloud ceiling, and by permitting an IFR approach at destination; (2) change IFR takeoff minimums at U.S. military airports to be compatible with U.S. civil airport requirements, and (3) provide driftdown standards during enroute operations in IFR conditions in multiengine aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AA82

1679. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None

Abstract: This action would delay an October 15, 1992, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Al Hodges, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8177

RIN: 2120–AA98

1680. COMPOSITE PROPELLERS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Legal Deadline: None

Abstract: This action would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation, bird impact, and lightning protection.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Formerly titled Fatigue Evaluation, Bird Impact, and Lightning Protection for Propellers of Composite Construction.

Agency Contact: M. Buckman, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

RIN: 2120–AB05

1681. AIRCRAFT REGISTRATION RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 106(g); 49 USC 1354; 49 USC 1401; 49 USC 1403; 49 USC 1405; 49 USC 1406; 49 USC 1502

CFR Citation: 14 CFR 47; 14 CFR 49

Legal Deadline: None

Abstract: This is a recodification of 14 CFR Parts 47 and 49 in order to modernize these parts, making them compatible with modern business practices, in keeping with FAA policy.

The potential costs have not yet been assessed, but are considered to be negligible as the impact will be procedural and not substantive.

The potential benefits are the clarification of regulatory language and facilitation of procedures for

DOT—FAA — Prerule Stage

registration of aircraft and recordation of conveyances affecting ownership of or interest in US civil aircraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alonso J. Rodriguez, Attorney Advisor, Department of Transportation, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, OK 73125, 405 686-2296

RIN: 2120–AC17

1682. TEMPORARY FLIGHT RESTRICTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 3101(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.91

Legal Deadline: None

Abstract: This proposal would amend Section 91.91 to prevent interference with ground or aerial search or investigation by nonparticipating aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	08/04/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 08/04/89

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983).

Regulatory Project No: ATO-200-87-9R

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC40

1683. ● AIRPORT RADAR SERVICE AREA (ARSA) CLARIFICATION - TWO-WAY RADIO COMMUNICATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g) (Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action proposes to clarify the intent of the two-way radio communications requirement of airport radar service areas.

Timetable:

Action	Date	FR Cite
ANPRM	08/07/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Project Number: ATO-200-88-18R.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC89

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Proposed Rule Stage

1684. + REVIEW OF PARTS 61, 141, 143 - PILOT, PILOT SCHOOL, AND GROUND INSTRUCTOR RULES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 141; 14 CFR 143

Legal Deadline: None

Abstract: The objective of this rulemaking project is to update and revise Parts 61, 141, and 143 of the Federal Aviation Regulations and determine the feasibility and need for consolidating Parts 61, 141, and 143 into a single regulation covering the entire spectrum of pilot training and certification. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Public Hearings	06/27/88	53 FR 24178
Comment Period Extended	08/05/88	53 FR 29582
Comment Period Extended	12/05/88	53 FR 49072
NPRM	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: RIN 2120-AB14 has been combined into this review.

Agency Contact: John D. Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8150

RIN: 2120–AB12

1685. + REVIEW AND REVISION OF REPAIR STATION REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1355; 49 USC 1421; 49 USC 1427

CFR Citation: 14 CFR 145

Legal Deadline: None

Abstract: Current repair station rules were developed during the infancy of the aviation industry. Very few changes were made to those rules since they were adopted in 1952. This rulemaking project proposes to review foreign repair-station requirements and update the rules to reflect the current international and domestic environment and needs. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Leo Weston, Division Manager, AFS-300, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 267-8203**

RIN: 2120–AC38

1686. + METROPOLITAN WASHINGTON AIRPORTS POLICY

Significance: Regulatory Program

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action proposed various operational ceilings at Washington National Airport and contemplated future guidance on operation and development of National and Dulles Airports. Proposed action has been superseded by the Metropolitan Washington Airports Act of 1986 and will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	04/28/83	48 FR 19174
NPRM Comment Period End	07/27/83	
SNPRM Comment period end 07/16/84	06/14/84	49 FR 24626
To be Withdrawn	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/14/84 (49 FR 24626)

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 267-3491**

RIN: 2120–AA89

1687. + CRASH RESISTANT FUEL SYSTEMS IN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/05/85	50 FR 8948
ANPRM Comment Period End	07/03/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Formerly titled Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 926-6930**

RIN: 2120–AA57

1688. + AIRPLANE CABIN-FIRE PROTECTION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes amendments to the FAR which would provide for improved cabin fire protection for transport category airplanes by requiring: (1) each lavatory to be equipped with a smoke detector system which provides warning to the cockpit or to the passenger cabin crew; (2) each lavatory trash receptacle to be equipped with a fire extinguisher which discharges automatically upon the occurrence of a fire within the receptacle; (3) the number of hand fire extinguishers in the cabins of airplanes with passenger seating capacities greater than 200 to be increased; (4) a specified number of the hand fire extinguishers in the cabin to contain Hallon 1211 or equivalent as the extinguishing agent. These safety protections are currently required for operation of airplanes used in air carrier service, but not for the full range of transport category airplanes such as those used for executive transportation. This notice also proposes to require each transport category (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1292
NPRM Comment Period End	07/10/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/12/89 (54 FR 1292)

Additional Information: ABSTRACT CONT: airplane manufactured after a specified date to incorporate these improvements. These proposals are needed to respond to investigations of inflight fires and an inspection survey of the U.S. air carrier fleet, and are needed to increase protection against possible inflight fires. This rulemaking is significant because of substantial public interest.

Agency Contact: Gary L. Killion, Manager, Regulations Branch, Aircraft Certification Division, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2112**

RIN: 2120–AB22

1689. + PRIMARY CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857(f); 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 36; 14 CFR 43; 14 CFR 91; 14 CFR 141; 14 CFR 147

Legal Deadline: None

Abstract: This action proposes to establish a new category of aircraft for type, production, and airworthiness certification. These aircraft will be designed for pleasure and personal use, and classified as a primary category aircraft. In addition, the NPRM proposed simplified type, production, and airworthiness certification procedures, special maintenance criteria, and associated changes to pilot requirements for this category of aircraft. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9738
NPRM Comment Period End	09/07/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Formerly entitled Primary Category Aircraft; Powered Ultralight; Falsification of Applications, Reports, or Records.

Agency Contact: Lyle Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9588

RIN: 2120–AB53

1690. + PROPOSED REVISION OF NOISE CERTIFICATION OF TURBOJET AND LARGE TRANSPORT CATEGORY AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: Contemplated action would revise certification and operational requirements for aircraft effective the date of the NPRM. On that date the current two-stage noise requirements would be replaced with a simpler single standard corresponding to the current Stage 3. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/87	52 FR 8050
ANPRM Comment Period End	06/11/87	
Comment period extended to 10/01/87	07/20/87	52 FR 27304

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulation Evaluation

Agency Contact: Harvey H. Van Wyen, Manager, Research and Engineering Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3558

RIN: 2120–AC20

1691. + NOISE AND EMISSION STANDARDS FOR AIRCRAFT POWERED BY ADVANCED TURBOPROP (PROPFAN) ENGINES

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: Part 36 prescribes noise standards for type certification of airplanes. A new generation of aircraft powered by prop-fan engines may present a noise problem that is not currently addressed by Part 36 in that en route noise at cruise altitude (25,000 to 30,000 ft) may require a new standard. This proposal would establish a new standard to control high altitude flyover noise from these new types of aircraft, and is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/87	52 FR 8050
ANPRM Comment Period End	06/11/87	
Comment period extended to 10/01/87	07/20/87	52 FR 27304

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AB88

1692. + SST STAGE 3 COMPLIANCE

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423; 49 USC 1431

CFR Citation: 14 CFR 36

Legal Deadline: None

Abstract: Part 36 prescribes noise type certification standards for turbojet airplanes. This proposal would revise Part 36 so that new type certificated supersonic aircraft would be required to meet Stage 3 noise levels. Action is considered significant because of the substantial public interest which may be generated on the issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/30/86	51 FR 39663
ANPRM Comment Period End	02/27/87	
Comment Period Reopened Until 07/01/87	03/12/87	52 FR 7619

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 10/30/86 (51 FR 39663)

Additional Information: Docket 25109.

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AC22

1693. + FLIGHT ATTENDANT REQUIREMENTS DURING DEPLANING AND BOARDING

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action proposes to revise the regulation dealing with the required number of flight attendants to clarify the original intent of the regulation. The current regulations are confusing and not clearly understood. The proposed amendments would clarify the number of flight attendants required when passengers are onboard an airplane, during specified periods, and proposals would allow for a reduced number of flight attendants onboard an airplane during specified periods. The proposals would specify the conditions to be met to reduce the number of flight attendants at these stops. Additionally, the proposals would allow other authorized persons to be substituted for the required flight attendants at these stops, and would clearly establish the requirements for training for those authorized persons. A proposed new rule would clarify where the required flight attendants and other persons must be located when they are onboard the airplane. This action is considered significant because of the substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: David L. Catey, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8094

RIN: 2120–AC32

1694. + TYPE AND NUMBER OF PASSENGER EMERGENCY EXITS REQUIRED IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice will propose to revise the current requirements for passenger emergency exits and to adopt two new exit types into the regulations. These proposals are intended to provide more consistent standards with respect to exit types and quantities required for passenger seating configurations while retaining the same level of safety. This notice also will propose to reduce the maximum inflation time of an escape slide to reflect the current state of the art. These proposals resulted from the Public Technical Conference on Emergency Evacuation of Transport Airplanes held in Seattle, Washington on September 3-6, 1985. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Franklin Tiangsing, Regulations Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, 206 431-2134

RIN: 2120–AC43

1695. + IMPROVED ACCESS TO TYPE III AND TYPE IV EMERGENCY EXITS

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: Notice will propose to amend Parts 25 and 121 of the FAR to provide for improved access to Type III and Type IV emergency exits. These proposals are intended to improve the ability of occupants to evacuate an airplane under emergency conditions. This rulemaking is considered to be significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC46

1696. + PILOTS CONVICTED OF DRIVING WHILE INTOXICATED (DWI)/UNDER INFLUENCE (DUI)

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 65; 14 CFR 67

Legal Deadline: None

Abstract: Notice will propose to amend the existing Federal Aviation Regulations to allow pilot certification action when a pilot has been convicted of multiple DWI/DUI motor-vehicle offenses. This rulemaking is a significant FAA initiative based on the DOT/Inspector General Report of Feb. 17, 1987, entitled "Report on Audit of Airmen Medical Certification Program."

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Christie, Director, Office of Rulemaking, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9677

RIN: 2120–AC51

1697. + FLIGHT PLAN FILING REQUIREMENTS; NATIONAL AIRSPACE REVIEW RECOMMENDATION

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.83

DOT—FAA **Proposed Rule Stage**

Legal Deadline: None

Abstract: This action will propose to review flight-plan filing requirements and revise according to National Airspace Review Recommendations 2-3.1.4, 2-3.1.5, 2-3.1.6, 2-3.1.7, and 2-3.1.8, i.e., to establish lower ceiling and visibility criteria for rotorcraft so as to reduce the frequency of required IFR alternate airport filings; to allow fixed-wing aircraft to file IFR alternate airports that meet the same criteria as rotorcraft; to require pilots to indicate, in their flight plans, when their aircraft is equipped with special equipment. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-12R RIN AC41 was consolidated into this proceeding.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC56

1698. + EXIT ROW SEATING

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 2355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121.585; 14 CFR 135.127

Legal Deadline: None

Abstract: This action would add new regulations to require air carriers to limit seating in exit rows to those persons they determine appear to be able to perform certain functions regarding emergency evacuation. Existing air carrier policies having this intent may be inadequate and would be rendered completely ineffective by proposed 49 CFR 382.31 which would prohibit air carriers from restricting seating except in accordance with FAA regulations. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10484
NPRM Comment Period End	06/12/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 03/13/89 (54 FR 10484)

Additional Information: This issue will also be subsumed within the Regulatory Program proceeding entitled Nondiscrimination of the Basis of Handicap (Air Travel), RIN 2105-AA18.

Agency Contact: Irene Mields, Senior Attorney, General Legal Services Division, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3473

RIN: 2120–AC75

1699. + PARTS 121 AND 135 - TRAINING, CHECKING, CERTIFICATION, AND QUALIFICATIONS REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would revise and upgrade the Parts 121 and 135 training, checking, certification, and qualification requirements, including cockpit resource management. In addition, commuter air carriers conducting Part 135 commuter operations in airplanes that require two pilots would be required to meet the proposed ungraded Part 121 requirements. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael Coffey, Project Development Branch, Air Transportation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3750

RIN: 2120–AC79

1700. + ADVANCED QUALIFICATION PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g)

CFR Citation: 14 CFR 121

Legal Deadline: None

Abstract: This action would propose to improve aircrew performance in air carrier and commuter operations by establishing a core of training requirements to include cockpit resource management (CRM) training, airman upgrade training, milestone schedules for training, criteria for training centers, etc. This training method would not be mandatory but rather would provide an alternative method of meeting the training requirements of Parts 121 and 135. This project includes the development of an advisory circular which would provide an acceptable means for developing an advanced flight crewmember training program. This action is in response to recommendations of the joint Government/Industry Task Force on Flight Crew Performance and is significant because of its safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Former title: Advanced Flight Crew Member Training.

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AC80

1701. ● + SPECIAL FEDERAL AVIATION REGULATION; ADVANCED QUALIFICATION PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1422; 49 USC 1427; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This proposed Special Federal Aviation Regulation (SFAR) would establish a voluntary alternative method for meeting the training, evaluation, certification, and qualification requirements for flight crewmembers, flight attendants, aircraft dispatchers, instructors, evaluators, and other operations personnel subject to the training requirements of 14 CFR Part 121 and Part 135. The FAA has developed this alternative method in response to recommendations made by a task force composed of representatives from the Government, airlines, aircrew professional organizations, and airline industry organizations. The proposed SFAR is designed to improve aircrew performance and would allow certificate holders that are subject to the training requirements of Part 121 and Part 135 to develop innovative training programs that incorporate the most recent advances in training methods and techniques. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	02/22/89	54 FR 7670
NPRM Comment Period End	04/24/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Analysis: Regulatory Evaluation 02/22/89 (54 FR 7670)

Agency Contact: David L. Catey, Manager, Project Development Branch, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8094

RIN: 2120–AC85

1702. ● + UNITED STATES CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 106(g) (Revised PL 97-449, January 12, 1983); EO 10854

CFR Citation: 14 CFR 71; 14 CFR 11.69

Legal Deadline: None

Abstract: This action proposes to enhance flight safety and to simplify the flight rules associated with flights conducted under visual flight rules by requiring all visual flight rules operations above a common altitude (1,200 feet above ground level) to be conducted with the same distance from clouds and visibility minimums. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	12/12/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-87-8R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC88

1703. ● + ESTABLISHMENT AND DISCONTINUANCE CRITERIA FOR AIRPORT TRAFFIC CONTROL TOWER FACILITIES

Significance: Agency Priority

Legal Authority: 49 USC 1343; 49 USC 1346; 49 USC 1348; 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421 (As amended by PL 100-223); 49 USC 1422 to 1430; 49 USC 1472(c); 49 USC 1502; 49 USC 1522; 49 USC 106(g) (Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 170

Legal Deadline: Final, Statutory, December 31, 1988.

Abstract: This rulemaking would prescribe benefit-cost based criteria for establishment and discontinuance of visual flight rule (VFR) airport traffic control tower facilities. It considers traffic density (number of aircraft operations without consideration of aircraft size), passengers served, and aircraft operating efficiencies along with the cost of establishing and maintaining or decommissioning a tower. The FAA utilizes these criteria to assess benefits and costs associated with establishing or decommissioning an airport traffic control tower at an airport as a part of its mission to maximize safety and efficiency throughout the airport and airway system consistent with available resources. This regulation, if promulgated, would implement the requirements of recent legislation requiring the publication of criteria for navigational aids and airport traffic control towers as a Federal regulation. This rulemaking is significant because of statutory requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeanne O'Leary, Office of Aviation Policy and Plans, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-3311

RIN: 2120–AC98

1704. ● + PROPOSED ESTABLISHMENT OF THE PHOENIX TERMINAL CONTROL AREA AND REVOCATION OF THE PHOENIX AIRPORT RADAR SERVICE AREA; ARIZONA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all

aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking a significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/89

Agency Contact: Betty W. Harrison, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9254

RIN: 2120–AD00

1705. ● + PROPOSED ESTABLISHMENT OF THE DULLES TERMINAL CONTROL AREA: VIRGINIA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/09/89

Agency Contact: Jesse Bogan, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9253

RIN: 2120–AD01

1706. ● + PROPOSED ESTABLISHMENT OF THE SALT LAKE CITY TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of Substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/01/89

Agency Contact: Betty W. Harrison, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9254

RIN: 2120–AD02

1707. ● + PROPOSED ESTABLISHMENT OF THE ORLANDO, FLORIDA, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/01/89

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120–AD03

1708. ● + PROPOSED ESTABLISHMENT OF THE HOUSTON HOBBY TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1248(a); 49 USC 1345(a); 49 USC 1510; EO 19854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the

FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/11/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/11/89

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9250

RIN: 2120–AD04

1709. ● + PROPOSED ESTABLISHMENT OF THE MEMPHIS, TENNESSEE, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/89

Agency Contact: Alton Scott, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9252

RIN: 2120–AD05

1710. ● + PROPOSED ESTABLISHMENT OF THE BALTIMORE, MARYLAND, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace user. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/09/89

Agency Contact: Jesse Bogan, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9253

RIN: 2120–AD06

1711. ● + PROPOSED ESTABLISHMENT OF THE TAMPA, FLORIDA, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/09/89

Agency Contact: Lewis W. Still, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9250

RIN: 2120–AD07

1712. ● + PROPOSED ESTABLISHMENT OF THE CHARLOTTE, NORTH CAROLINA, TERMINAL CONTROL AREA

Significance: Agency Priority

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; EO 10854; 49 USC 106(g)

CFR Citation: 14 CFR 71

Legal Deadline: None

Abstract: This action is intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace surrounding this airport. It is based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules aircraft that are not required to be under the control of ATC. The objective of this proposal is to

substantially increase safety while accommodating the legitimate concerns of airspace users. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/89

Agency Contact: Alton Scott, Air Traffic Operations Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9252

RIN: 2120–AD08

1713. REVIEW OF MEDICAL STANDARDS AND CERTIFICATION PROCEDURES

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Legal Deadline: None

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The FAA contracted with the American Medical Association (AMA) on August 29, 1983, to develop a comprehensive report which will be used by the FAA as part of its evaluation of Part 67 standards. AMA completed a professional review of the medical standards for civil airmen. The FAA announced the availability of the AMA report in the Federal Register on May 23, 1986 (51 FR 19040). RIN 2120-AB13 has been combined into this review.

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3802

RIN: 2120–AA70

1714. REVIEW PART 75 FOR RETENTION OR REVOCATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 106(g) (Revised PL 97-449); 14 CFR 11.69; 49 CFR 1.47

CFR Citation: 14 CFR 75

Legal Deadline: None

Abstract: This action will review Part 75 per National Airspace Review Recommendations toward revocation and establish nonrulemaking procedures for handling jet route actions.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Regulatory Project No: ATO-200-84-24R

Agency Contact: A. Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8781

RIN: 2120–AC55

1715. PART 91, SUBPART B, REVIEW FOR SIMPLIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: The agency set up a National Airspace Review Task Group for the review of 14 CFR Part 91, Subpart B. This action will cover the recommendations made by the group.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 12/01/89

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 49 USC 4321 et seq; EO 11514; 49 USC 106(g) Revised Pub L 97-449 January 12, 1983 Regulatory Project ATO-200-85-28R

Agency Contact: Richard Kagehiro, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AA07

1716. PART 77 REVIEW, OBJECTS AFFECTING NAVIGABLE AIRSPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC

1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Legal Deadline: None

Abstract: This action would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Final Regulatory Evaluation 06/01/89

Additional Information: No docket number assigned; Regulatory Project ATO-200-85-15R

Agency Contact: William C. Davis, Manager, Air Traffic Rules Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AA09

1717. FUEL SYSTEM FIRE PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action would amend Sec. 25.975 to require fuel tank vent protection during ground fires and Sec. 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Docket 24251; formerly entitled Implementation of SAFER Propulsion System Recommendations.

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2116

RIN: 2120–AA49

1718. AIRCRAFT SIMULATOR USE IN AIRMAN TRAINING AND CERTIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 135

Legal Deadline: None

Abstract: This notice will propose to amend Part 61 to permit additional use of and establish approval criteria for aircraft simulators and training devices for airman training and certification by amending various sections of Part 61 and appendices including additional appendices for rotorcraft and helicopters and by adding a new appendix for advanced simulation criteria. Additionally, this notice will propose to permit additional usage of aircraft simulators and training devices for the pilot-in-command proficiency requirements of Part 61 for airmen operating large or multiengine turbojet-powered aircraft.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Brian Calendine, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8150

RIN: 2120–AA83

1719. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This proposal would review special conditions issued for high altitude operation and consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Gary Lium, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2134

RIN: 2120–AB18

1720. TRANSPORT CATEGORY ROTORCRAFT PERFORMANCE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This project is to solicit public comment on possible revision and clarification of transport rotorcraft performance and airworthiness standards and to establish minimum gradients of climb during takeoff.

DOT—FAA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42126
ANPRM Comment Period End	06/06/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5109

RIN: 2120–AB36

1721. MISCELLANEOUS OPERATIONAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 91; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice will propose to amend the regulations that deal with passenger information, safe passenger egress, child restraint, and emergency equipment. The proposals would prohibit smoking at any time in any location displaying a "no smoking" sign or placard. They would require that passengers wear safety belts at any time a "fasten seatbelts" sign is turned on. They would require that the "fasten seatbelts" sign be turned on during taxi. They would clearly establish a requirement for an assisting means of egress and the stowage of passenger service equipment prior to taxi. They would make the pilot in command or, in the case of operations under Part 121, the certificate holder responsible for informing the passengers that they may be liable for a civil penalty should they fail to comply with FAA regulations. They would require that supplementary child restraint devices be accepted by a certificate holder when requested by the child's attendant.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AB45

1722. PART 101 REVIEW PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1372; 49 USC 1421; 49 USC 1442; 49 USC 1443; 49 USC 1472; 49 USC 1510; 49 USC 1522

CFR Citation: 14 CFR 1; 14 CFR 91; 14 CFR 101

Legal Deadline: None

Abstract: This review program is intended to provide full public participation in matters concerning FAA evaluation of the operation of moored balloons, kites, unmanned rockets, and unmanned free balloons. Pending completion of Regulatory Evaluation. NPRM is being drafted.

Timetable:

Action	Date	FR Cite
NPRM	12/03/90	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/03/90

Additional Information: Part 91 revision also is required to provide comprehensive treatment of manned balloon operations and to clarify the respective applicability and requirements of both Parts 91 and 101 with respect to balloon operations. Regulatory Project ATO-200-84-20R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB75

1723. ENGINE FUEL AND INDUCTION SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: Advance notice proposed the addition of a new paragraph, FAR Section 33.35(f), to incorporate requirements for the fuel mixture to go to full-rich if a disconnect occurs in the mixture linkage. NPRM would require both the fuel-air mixture control device and throttle control device to move automatically to an acceptable position for continued safe operation in event control linkage of these levers become disconnected.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/86	51 FR 7224
ANPRM Comment Period End	04/29/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Mulcahy, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7077

RIN: 2120–AB76

1724. AMEND SECTION 43.17 TO ALLOW FOR MAINTENANCE OF U.S. AERONAUTICAL PRODUCTS IN CANADA IN COMPLIANCE WITH THE U.S.-CANADIAN BILATERAL AIRWORTHINESS AGREEMENT

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 106(g)

CFR Citation: 14 CFR 43

Legal Deadline: None

Abstract: Contemplated activity would revise Section 43.17 to provide for the acceptance of maintenance, alteration, or modification accomplished on U.S.-registered aircraft, other aeronautical products, and components, in Canada, by persons authorized by Transport Canada Airworthiness Group and approved for return to service in accordance with the U.S.-Canadian Bilateral Airworthiness Agreement.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Leo Weston, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8203

RIN: 2120–AB89

1725. NEW ROTORCRAFT EMERGENCY POWER RATINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1523; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to revise Parts 27 and 29 to set forth qualifications and performance associated with optional 30-second/2-minute one-engine-inoperative (OEI) ratings for rotorcraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Formerly entitled Revised One-Engine-Inoperative Ratings for Rotorcraft.

Agency Contact: Ray Twa, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5158

RIN: 2120–AB90

1726. TURBOSHAFT ENGINE ROTOR BURST PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to revise Part 29 to require design features or other provisions to minimize the hazards of failure of high speed rotors used in turbine engines in transport category helicopters.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Former title Turbine Burst Protection for Transport Category Helicopters.

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5123

RIN: 2120–AB91

1727. ANTIBLOCKING DEVICE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 106(g) (Revised PL 97-449); 14 CFR 11.45; 49 USC 1354(a)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: Mr. John G. Rutty submitted a petition for rulemaking seeking to amend the FAR to require antiblocking and stuck microphone (ABD) relief circuitry operatively associated with aircraft voice communications radios employed in certain high-density air traffic areas. Action pending operational evaluation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Docket Number 23755. Regulatory Project ATO-200-84-2P

Agency Contact: Richard Kagehiro, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB92

1728. AIRSPACE RECLASSIFICATION

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401 to 1405; 49 USC 1421 to 1432; 49 USC 1443; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 1652(e); 49 USC 1655(c); 49 USC 1657(f)

CFR Citation: 14 CFR 1; 14 CFR 11; 14 CFR 65; 14 CFR 71; 14 CFR 75; 14 CFR 91; 14 CFR 93; 14 CFR 101; 14 CFR 103; 14 CFR 105; 14 CFR 121; 14 CFR 127; 14 CFR 137; 14 CFR 159; 14 CFR 171

Legal Deadline: None

Abstract: Users organizations recommended, under the National Airspace Review, to redesign the airspace system to a more simple system similar to the systems in place in Canada and proposed under ICAO recommendations. Adoption of these recommendations was proposed in ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5046
ANPRM Comment Period End	06/06/85	50 FR 5046
NPRM	06/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 10/03/88

Additional Information: Docket number 24456.

Regulatory Project ATO-200-84-7R. This action incorporated RIN 2120-AC57 and will incorporate RINS 2120-AB02 and 2120-AB93.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB95

1729. TYPE CERTIFICATION BASIS FOR PRODUCT TYPE DESIGN CHANGE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 42 USC 1857f-10; 42 USC 4321 et seq; EO 11514; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: Contemplated action would amend the Federal Aviation Regulations governing the certification procedures applicable to the type design approval of aircraft, aircraft engines, and propellers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Lyle Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9568

RIN: 2120–AC05

1730. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 5 (EQUIPMENT, SYSTEMS, AND INSTALLATION)

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This proposed amendment to Part 23 would allow certification of small airplanes with systems critical to safe flight that are not now approved without special conditions, exemptions, or equivalent safety findings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 926-6930

RIN: 2120–AC14

1731. PART 23 AIRWORTHINESS REVIEW, NOTICE NO. 2

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This project will propose design requirements applicable to advancements in technology being incorporated into current designs, allowing certification of spin resistant airplanes, reducing the regulatory burden in showing compliance with some requirements, and providing requirements for new technology that is being utilized in the development of small airplanes.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9276
NPRM Comment Period End	07/05/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/06/89 (54 FR 9276)

Additional Information: This notice results from a regulatory review of Part 23 conducted in late 1984.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120–AC15

1732. REGULATORY CHANGES BASED ON EUROPEAN JOINT AIRWORTHINESS REQUIREMENTS PROPOSAL

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29; 14 CFR 27

Legal Deadline: None

Abstract: This action would propose changes to Parts 27 and 29, based primarily on proposals supported by the European Joint Airworthiness Requirements group. The proposed changes would affect systems, propulsion, and airframe components, and would introduce safety improvements, clarify existing regulations, and standardize terminology, in an effort to standardize airworthiness rules as much as possible between the United States and Europe, for the type certification of transport category rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Additional Information: Former title Rotorcraft Certification Requirements; Coordination with European Airworthiness Authorities Steering Committee (AASC).

Agency Contact: R. T. Weaver, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5111

RIN: 2120–AC27

1733. MISCELLANEOUS CHANGES TO EMERGENCY EVACUATION DEMONSTRATION PROCEDURES, EXIT HANDLE ILLUMINATION, AND PA HANDSETS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: Notice will propose to modify the procedures for conducting an emergency evacuation demonstration by requiring that the flight-crew take no active role in the demonstration and changing the age/sex distribution requirement for demonstration

participants. This notice also proposes to standardize the illumination requirements for the handles of the various types of passenger emergency exits. In addition, it is proposed to add a requirement for a "push to talk" switch to the public address system. These proposals are intended to enhance the provisions of transport category airplanes for egress of occupants during emergency conditions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Tiangsing, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2121

RIN: 2120–AC45

1734. GLOBAL POSITIONING SYSTEM USE IN TERMINAL CONTROL AREAS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321 et seq; EO 11514; ...

CFR Citation: 14 CFR 91.90

Legal Deadline: None

Abstract: Adoption of this recommendation would allow aircraft operating in a Group I or II Terminal Control Area to be equipped with Global Position System (GPS), Very High Frequency Omnirange Station (VOR) or Tactical Air Navigation (TACAN) equipment.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: 49 USC 106(g), (Revised Pub L. 97-449, January 12, 1983)

Regulatory Project No: ATO-200-85-17R

Agency Contact: A. Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC54

1735. NON-FEDERAL AIR TRAFFIC CONTROL TOWERS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 42 USC 4321; 49 USC 106(g) (Revised PL 97-449, January 12, 1983); ...

CFR Citation: 14 CFR 91; 14 CFR 105

Legal Deadline: None

Abstract: The adoption of this recommendation would allow review, study, and proposal of changes to Parts 91 and 105 of the regulations. This proposal would define the responsibilities of non-Federal air-traffic control towers as to compliance with FAA air-traffic control towers.

Timetable:

Action	Date	FR Cite
NPRM	12/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/15/89

Additional Information: Regulatory Project No. ATO-200-87-14R

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8781

RIN: 2120–AC59

1736. PROPOSED REVISION OF PART 93, SUBPART O(JAX)

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g)(Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: The purpose of this proposal is to lessen the burden on the flying public by reducing the lateral size of the existing Jacksonville, Florida, Navy Airport Traffic Area.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/01/89

Additional Information: Regulatory Project No. ATO-200-87-15R

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AC65

1737. SHOULDER HARNESS FOR EACH SEAT IN PARTS 27 AND 29 ROTORCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to amend Parts 27 and 29 to require a shoulder harness for each seat in rotorcraft manufactured after December 31, 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/00/89

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, PO Box 1689, Fort Worth, TX 79193-0111, 817 624-5117

RIN: 2120–AC67

1738. ROTORCRAFT CRASH RESISTANT FUEL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to implement requirements in Parts 27 and 29 for crash-resistant fuel systems to reduce injuries or fatalities resulting from ignition of flammable fluids following an otherwise survivable crash of a rotorcraft.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: Formerly entitled Fuel System Crashworthiness.

Agency Contact: Mike Mathias, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5118

RIN: 2120–AC68

1739. ELECTRICAL AND ELECTRONIC SYSTEMS LIGHTNING PROTECTION

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This notice proposes to amend Part 25 of the Federal Aviation Regulations (FAR) to add a new standard for transport category airplanes which would provide lightning protection requirements for installed systems. This proposal is the result of an increasing concern for the vulnerability of electronic systems to the indirect effects of lightning, and is to promulgate specific lightning protection requirements for systems which perform essential and critical functions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Gene Vandermolen, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2114

RIN: 2120–AC81

1740. LANDING GEAR AURAL WARNING

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 125

Legal Deadline: None

Abstract: This notice proposes to amend the airworthiness standards for transport category airplane landing gear aural warning systems and the operating rules for air carrier and air taxi operators of transport airplanes by updating the present requirements to make them more functionally oriented. This proposal is prompted by reports of nuisance or inappropriate aural warnings which have occurred in modern transport airplanes when strictly adhering to the present regulations. It is intended to enhance flight safety while decreasing the regulatory burden associated with making an equivalent level of safety finding or exemption, for those systems that do not meet the existing requirements. This proposal will not affect existing certified airplanes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gene Vandermolen, Flight Test and Systems Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2114

RIN: 2120–AC82

1741. ● KETCHIKAN INTERNATIONAL AIRPORT TRAFFIC RULE, PART 93, SUBPART M

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g) (Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This action proposes to eliminate the exclusion of airspace below 600 feet mean sea level and to require reporting for traffic advisories by all pilots flying radio-equipped aircraft within the Ketchikan International Airport control zone (regardless of whether the control zone is in effect or not).

Timetable:

Action	Date	FR Cite
NPRM	06/12/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-88-8R.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC90

1742. ● AIR TRAFFIC CONTROL CLEARANCE READBACK

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g) (Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This action would require pilots to read back all clearances

dealing with holding short, taking off, crossing, and proceeding onto a runway.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Project Number: ATO-200-88-17R.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8783

RIN: 2120–AC91

1743. ● VERY HIGH FREQUENCY OMNIRANGE STATION (VOR) FEDERAL AIRWAY NO. 16, PART 93, SUBPART E

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g) (Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: Subpart E was implemented to segregate aircraft departing/arriving Luke Air Force Base Federal Airway Victor 16 (V-16) from uncontrolled aircraft operating along that airway. The United States Air Force has recently established a military approach control unit at Luke Air Force Base. Petitioner believes there is no longer a valid reason to retain this part of the regulation since the Luke Air Force Base approach control exercises control over the subject airspace and is aware of all activity in that area. Petitioner believes that safety has, therefore, been enhanced. The NPRM will invite comments.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project Number: ATO-200-88-3R.

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8483

RIN: 2120–AC92

1744. ● LOCATION OF MARKS ON FIXED-WING AIRCRAFT AND AIRSHIPS

Significance: Nonsignificant

Legal Authority: 49 USC 1348; 49 USC 1354; 49 USC 1401; 49 USC 1402; 49 USC 1421; 49 USC 1423; 49 USC 1522; 49 USC 106(g), (Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 45

Legal Deadline: None

Abstract: This notice proposes to update the regulations for the location of nationality and registration marks on fixed-wing aircraft and airships. This proposal would modify the requirements for the location of marks on fixed-wing aircraft and airships with configurations that are not addressed by the existing regulations. These amendments are needed because existing rules cannot be applied to unconventional aircraft/airship configurations, and the proposed rule would allow for alternative locations for nationally and registration marking

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Earl Seabrooks, Aircraft Manufacturing Division, Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-9540

RIN: 2120–AC99

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Final Rule Stage

1745. + COMMUTER CATEGORY AIRPLANES: COCKPIT VOICE RECORDER (CVR) AND FLIGHT DATA RECORDER (FDR) REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 135

Legal Deadline: None

Abstract: The FAA amends its regulations to require digital flight data recorders and cockpit voice recorders (CVRs) to be installed in a broad category of airplanes and rotorcraft operated by air carriers and commuters, as well as in selected aircraft operated in general aviation. The amendments are in response to legislation which mandates the FAA to amend its flight recorder and CVR requirements in accordance with recommendations from the National Transportation Safety Board (NTSB). The intent of this rulemaking is to provide more information to accident investigators in determining the causes of accidents and the measures needed to correct the causes. In addition, the FAA also requests additional comments regarding the general aviation requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4314
NPRM Comment Period End	03/28/88	53 FR 4314
Final Action	07/11/88	53 FR 26134
Correction to Final Action	08/16/88	53 FR 30838
Correction to Final Action	08/16/88	53 FR 30906
Final Action	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 07/11/88 (53 FR 26134)

DOT—FAA

Final Rule Stage

Additional Information: Additional comments were invited through October 11, 1988.

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120–AC48

1746. + CERTIFICATION OF RECREATIONAL PILOTS AND ANNUAL FLIGHT REVIEW

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Legal Deadline: None

Abstract: This final rule would establish a recreational pilot certificate which would allow a student pilot to receive certification to fly certain aircraft after fewer hours of training than are currently required of a private pilot applicant. The recreational pilot certificate is intended to be a low-cost alternative to a private pilot certificate for persons interested in flying basic, experimental, or homebuilt aircraft in close proximity to a home airport that is not in airspace in which communication with an air traffic control facility is required. The rule would also establish an annual flight review requirement for noninstrument-rated private pilots with fewer than 400 flight hours. This rulemaking is significant because of substantial public interest and safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	50 FR 26286
NPRM Comment Period End	09/24/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/25/85 (50 FR 26286)

Additional Information: Docket No. 24695

Agency Contact: Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3844

RIN: 2120–AA54

1747. + TRANSPORT CATEGORY ROTORCRAFT STRUCTURAL FATIGUE EVALUATION

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 29

Legal Deadline: None

Abstract: This amendment would revise Section 29.571 to add flaw tolerance to the fatigue evaluation of rotorcraft structure. This rulemaking is considered significant because it involves important safety issues.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
ANPRM Comment Period End	04/18/83	48 FR 772
NPRM	09/22/86	51 FR 33704
NPRM Comment Period End	04/03/87	51 FR 45343
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 09/22/86 (51 FR 33704); Regulatory Evaluation 04/00/89

Additional Information: Docket No. 23485. Public meeting held on February 8, 1983. This project was formerly entitled Rotorcraft Structural Fatigue Including Tolerance to Flaws.

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5111

RIN: 2120–AA84

1748. + OCCUPANT RESTRAINT IN NORMAL AND TRANSPORT CATEGORY ROTORCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1344 Federal Aviation Act of 1958, Sec. 303; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project proposes to amend the rotorcraft airworthiness standards in Parts 27 and 29 of the FAR. These proposals would add two dynamic crash-impact design requirement conditions for seat and occupant restraint systems, increase the static design load factors for seating devices and items of mass in the cabin or adjacent to the cabin as prescribed, prescribe a shoulder harness for each occupant, and add human impact injury criteria for the dynamic crash-impact conditions. These proposals are intended to significantly improve occupant protection levels in a survivable emergency landing impact. This rulemaking is significant because of the obvious safety improvements in crash situations, but also because of industry and operator concerns as to incurred costs due to increased weight and design effort.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20938
NPRM Comment Period End	12/30/87	
Comment period reopened to 05/06/88	03/08/88	53 FR 7479

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/03/87 (52 FR 20938)

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5117

RIN: 2120–AB35

DOT—FAA

Final Rule Stage

1749. + ELIMINATION OF AIRPORT DELAYS

Significance: Agency Priority

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Legal Deadline: None

Abstract: This proposed rule is designed to alleviate increased delays throughout the air-traffic system. It is significant because of its involvement with important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082
NPRM Comment Period End	09/04/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/20/84 (49 FR 33082)

Additional Information: Docket No. 24206.

Agency Contact: David L. Bennett, Manager, Airspace and Air Traffic Law Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3491

RIN: 2120–AB42

1750. + PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Legal Deadline: None

Abstract: This proposal would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit remodification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators, and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/17/87	52 FR 23144
NPRM Comment Period End	09/14/87	
Final Action	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/17/87 (52 FR 23144)

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AB50

1751. + INDEPENDENT POWER SOURCE FOR PUBLIC ADDRESS SYSTEM IN TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This action would amend the regulations to require an independent power source for the public address (PA) system in certain transport category airplanes. The requirement would be applicable to future type certification of airplanes that are required to have PA systems for use in air carrier service and to such airplanes manufactured after a specified date, regardless of the date of application for type certificate. This rulemaking is considered significant because it involves an important cabin-safety issue.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19140
NPRM Comment Period End	11/24/86	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/27/86 (51 FR 19140)

Additional Information: Docket No. 24995

Agency Contact: Robert Hall, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2143

RIN: 2120–AB77

1752. + TRANSPONDER REQUIREMENTS IN COASTAL AIR DEFENSE IDENTIFICATION ZONES (ADIZ)

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: This proposal would require aircraft to have an operating transponder when operating into, within, or out of the United States through coastal air defense identification zones (ADIZ). This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	02/07/86	51 FR 4756
ANPRM Comment Period End	04/10/86	
NPRM	10/12/88	53 FR 39846

DOT—FAA

Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	11/14/88	
Final Action	08/28/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 10/12/88 (53 FR 39846)

Additional Information: Regulatory Project ATO-200-85-8R (Docket # 24903)

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB99

1753. + LOCATION OF PASSENGER EMERGENCY EXITS IN TRANSPORT-CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 21; 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice proposes to limit increases in passenger emergency escape path distance by establishing a new standard limiting the distance any passenger seat may be from the nearest emergency exit and the distance any exit may be from an adjacent exit. The proposal would make the standard applicable to type certification of new transport category airplane models, regardless of the date of original application for type certificate, and to airplanes operating under Part 121, except those already in operation. The standard would be applicable for issuance of standard airworthiness certificates for airplanes manufactured after the NPRM date. The proposal is a result of the recent public Emergency Evacuation Task Force and is intended to improve the likelihood of passengers safely escaping an airplane during an emergency evacuation; for this reason the rulemaking is considered significant.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39190
NPRM Comment Period End	12/21/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 10/20/87 (52 FR 39190)

Agency Contact: Arthur Hayes, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9937

RIN: 2120–AC29

1754. + DESIGN STANDARDS FOR FUEL-TANK ACCESS PANELS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25; 14 CFR 121

Legal Deadline: None

Abstract: This notice proposes to require that the fuel-tank access panels of transport category airplanes be designed to minimize penetration by likely foreign objects and be fire resistant. This proposed change is based on service experience and is intended to reduce the hazards associated with the loss of access panels. This notice also proposes to require that the panels of all turbine powered airplanes operated in air carrier service after a specified date meet these standards. This rulemaking is considered significant because it involves an important crashworthiness safety issue.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18526
NPRM Comment Period End	09/17/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/23/88 (53 FR 18526)

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2120

RIN: 2120–AC58

1755. + IMPROVED SURVIVAL EQUIPMENT FOR INADVERTENT WATER LANDINGS

Significance: Agency Priority

Legal Authority: 49 USC 106(g); 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, June 28, 1988.
PL 100-223 Sec 303

Abstract: This notice proposes new requirements for water-survival equipment carried aboard airplanes and rotorcraft. The requirements would apply, after specified dates, to US-certificate holders that conduct common-carriage operations with airplanes and rotorcraft. This proposal is in response to the Airport and Airway Safety and Capacity Enhancement Act of 1987 (PL 100-223) and relates to safety recommendations by the National Transportation Safety Board. The proposed requirements are intended to increase the likelihood of aircraft passengers surviving a crash landing in water and, thus, this rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24890
NPRM Comment Period End	11/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24890)

Agency Contact: Richard Nelson, Department of Transportation, Federal Aviation Administration, Office of Air Worthiness, 800 Independence Ave., SW, Washington, DC 20591, 202 267-9574

RIN: 2120–AC72

DOT—FAA

Final Rule Stage

1756. + RETROFIT OF IMPROVED SEATS IN AIR CARRIER TRANSPORT CATEGORY AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: NPRM, Statutory, April 28, 1988.
PL 100-223 Sec 303

Abstract: The FAA proposes to require that all seats of transport category airplanes used in air carrier operations and transport category airplanes used in scheduled intrastate service comply with improved crashworthiness standards. The Airport and Airways Safety and Capacity Expansion Act of 1987 directs the Secretary of Transportation to initiate a rulemaking proceeding to consider requiring all seats onboard all air carrier aircraft to meet improved crashworthiness standards based upon the best available testing standards. The intended effect of this action is to increase passenger protection and survivability in survivable impact accidents. This rulemaking is considered significant because of its safety implications and statutory requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17650
NPRM Comment Period End	10/14/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/17/88 (53 FR 17650)

Additional Information: Docket 25611

Agency Contact: Arthur Hayes, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, Dc 20591, 202 267-9937

RIN: 2120–AC84

1757. ● + MINIMUM EQUIPMENT LIST (MEL) REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421; 49 USC 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 125; 14 CFR 135

Legal Deadline: None

Abstract: This notice proposes to amend Part 125 and Part 135 requirements for the use of a Minimum Equipment List (MEL). It also proposes to amend the Part 121 requirements for the use of a MEL to make them consistent with the amended Part 125 and Part 135 MEL requirements. Finally, it provides for the development and use of MELs for single-engine aircraft operated under Part 135. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3320
NPRM Comment Period End	03/24/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 01/23/89 (54 FR 3320)

Agency Contact: Marlene G. Livack, Air Transportation Division, Office of Flight Standards, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, 202 267-3753

RIN: 2120–AC86

1758. ● + HIGH-DENSITY-TRAFFIC AIRPORTS SLOT ALLOCATION AND TRANSFER METHODS

Significance: Agency Priority

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 2402; 49 USC 2424; 49 USC 106(g) (Revised PL 97-449, January 12, 1983)

CFR Citation: 14 CFR 93

Legal Deadline: Other, Statutory, June 30, 1989.
As mandated by PL 100-457.

Abstract: This notice proposes to amend the Federal Aviation Regulations relating to the allocation and transfer of air carrier and commuter operator slots (i.e., instrument flight rules takeoff and landing reservations) at Kennedy International Airport, LaGuardia Airport, O'Hare International Airport, and Washington National Airport. This proposal would increase the percentage of use required in order to retain allocated slots in certain circumstances. The proposed amendment would also permit withdrawal of slots, for international and other purposes, from carriers with fewer than 8 slots at an airport if the slots were not used by that carrier. This notice also requests information on the need for further changes to the slot allocation and transfer rules in accordance with recent legislation. This rulemaking is significant because of Congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	12/22/88	53 FR 51628
NPRM Correction	01/10/89	54 FR 831
NPRM Correction	01/23/89	54 FR 3079
NPRM Comment Period End	02/06/89	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/22/88 (53 FR 51628)

Agency Contact: David L. Bennett, Airspace and Environmental Law Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-3491

RIN: 2120–AC96

1759. REVISION OF PART 91

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This proposed amendment reorganizes and realigns the general operating and flight rules to make them more understandable and easier to use. Also, several changes are being made to provide more flexibility for certain operations. These changes resulted from comments received from the general public and aviation industry in response to a request for specific comments to help identify substantive areas needing review.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256
NPRM	03/20/85	50 FR 11282
NPRM Comment Period End	07/18/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/10/81 (46 FR 45256)

Additional Information: Docket No. 18334.

Agency Contact: Marion Clemens or Edna French, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8150

RIN: 2120–AA13

1760. ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This is Notice 4 of a series of notices issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 9190
NPRM Comment Period End	09/19/88	53 FR 9190

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 03/14/88 (53 FR 9190)

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5117

RIN: 2120–AA29

1761. TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period End	04/04/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Evaluation 12/03/84 (49 FR 47358)

Additional Information: Docket No. 24344

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, 206 431-2112

RIN: 2120–AA47

1762. MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Legal Deadline: None

Abstract: This action would amend various sections of the regulations. Some of the amendments are clarifying or editorial in nature or correct improper or obsolete references. Others relax certain existing requirements. Others allow issuance of special flight permits for an additional purpose, relax a requirement for passenger information signs, and eliminate the bulk erasure device on cockpit voice recorders. This action is in response to numerous complaints, suggestions, and petitions for exemption concerning several regulatory requirements received from users of the National Airspace System. These users state that these sections contain obsolete references and vague, complex, and inadequate language and that, in some instances, the cost of compliance is not justified by the benefits derived.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214
NPRM Comment Period End	12/02/83	48 FR 45214

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/03/83 (48 FR 45214)

Additional Information: Docket No. 23781.

Agency Contact: Jean Casciano, Department of Transportation, Federal

Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9683

RIN: 2120–AA50

1763. FATIGUE REQUIREMENTS FOR SMALL AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing.

Timetable:

Action	Date	FR Cite
NPRM	09/22/86	51 FR 33700
NPRM Comment Period End	01/21/87	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/22/86 (51 FR 33700)

Additional Information: The FAA is evaluating additional data obtained from NASA.

This project was formerly titled Amend Part 23 to Include Empennage Fatigue Requirements.

Agency Contact: Earsa L. Tankesley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 426-6930

RIN: 2120–AA58

1764. NATIONAL AIRSPACE REVIEW (NAR): TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 1; 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: This project would: (1) reclassify terminal control areas into one category; (2) apply the operating requirements of the current Group I TCA to Group II TCA's; (3) require student pilots to obtain a logbook endorsement from a certified instructor pilot prior to operating in any TCA; (4) replace the term "airport traffic area" with the term "control tower area;" (5) apply the two-way radio communications requirements of Section 91.87 for operations at an airport with an operating control tower operated by other entities; (6) adopt a new definition for airport traffic areas (control tower areas); (7) redefine control zones with a standard ceiling of 3,000 feet AGL; and (8) use nautical miles versus statute miles to describe certain terminal airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5055
ANPRM Comment Period End	06/06/85	50 FR 5055
To be consolidated	06/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Regulatory Project ATO-200-83-17R (Docket # 24455). To be consolidated in RIN: 2120-AB95.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB02

1765. NIGHTTIME VFR WEATHER MINIMUMS

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352; 49 USC 1353; 49 USC 1354; 49 USC 1355; 49 USC 1401; 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426

CFR Citation: 14 CFR 91

Legal Deadline: None

Abstract: This proposal will increase the flight visibility and cloud clearance minimums for night operations in uncontrolled airspace. The minimum flight visibility will increase from one mile to three miles.

Timetable:

Action	Date	FR Cite
NPRM	07/23/85	50 FR 30124
NPRM Comment Period End	09/23/85	50 FR 30124
Final Action	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/23/85 (50 FR 30124)

Additional Information: LEGAL AUTHORITY CONT: 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121; 49 USC 2122; 49 USC 2123; 49 USC 2124; 49 USC 2125; 42 USC 4321 et seq; EO 11514, 49 USC 106(a), Revised Pub. L. 97-449, January 12, 1983, Regulatory Project ATO-200-83-16R (Docket # 24722)

Agency Contact: Robert Laser, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB04

1766. AIRWORTHINESS STANDARDS: AIRCRAFT ENGINES, ELECTRICAL AND ELECTRONIC ENGINE CONTROL SYSTEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Legal Deadline: None

Abstract: This project proposed to add a new Section 33.28 to incorporate requirements for electronic controls for aircraft engines.

Timetable:

Action	Date	FR Cite
NPRM	02/14/85	50 FR 6186
NPRM Comment Period End	07/29/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

DOT—FAA **Final Rule Stage**

Analysis: Regulatory Evaluation 02/14/85 (50 FR 6186)

Agency Contact: Cosimo J. Bosco, Aerospace Engineer, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 270-2492

RIN: 2120–AB06

1767. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET AND CONTAMINATED RUNWAYS

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a) to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action proposes amendments to Parts 25, 121, and 135 of the Federal Aviation Regulations (FAR) to add new standards for transport category airplanes which would provide for approval of a reduced takeoff decision speed (V1) methodology for takeoff on wet and contaminated runways.

Timetable:

Action	Date	FR Cite
NPRM	11/30/87	52 FR 45578
NPRM Comment Period End	03/30/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/30/87 (52 FR 45578)

Additional Information: Docket 25471

Agency Contact: Bill Boxwell, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2111

RIN: 2120–AB17

1768. LOW-FUEL-QUANTITY ALERTING SYSTEM

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: This action contemplates possible revision to FAR 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel.

Timetable:

Action	Date	FR Cite
NPRM	05/12/87	52 FR 17890
NPRM Comment Period End	09/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/12/87 (52 FR 17890)

Additional Information: Docket No 25213.

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2135

RIN: 2120–AB46

1769. CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

Significance: Nonsignificant

Legal Authority: 49 USC 1350; 49 USC 1354(a); 49 USC 1355

CFR Citation: 14 CFR 157

Legal Deadline: None

Abstract: This notice proposes to amend the FAR Notice of Construction, Alteration, Activation, and Deactivation of Airports, in response to a recommendation of a National Airspace Review (NAR) task group and an FAA-initiated review of this regulation. The FAA believes that the proposed changes will enhance the safety and efficiency of the use of airspace and the safety of persons and property on the surface.

Timetable:

Action	Date	FR Cite
NPRM	10/04/88	53 FR 39062
NPRM Comment Period End	01/03/89	
Final Action	09/18/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/04/88 (53 FR 39062)

Additional Information: Regulatory Project ATO-200-86-13R

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8783

RIN: 2120–AB74

1770. HELICOPTER INSTRUMENT FLIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 27; 14 CFR 29

Legal Deadline: None

Abstract: This project revises Appendix B of Parts 27 and 29 to permit IFR operations at airspeeds below the normal minimum instrument airspeed during approach and landing.

Timetable:

Action	Date	FR Cite
NPRM	06/12/86	51 FR 21488
NPRM Comment Period End	04/03/87	51 FR 45343

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/12/86 (51 FR 21488)

Additional Information: The FAA has determined that adoption of this proposal will not result in an economic burden on the public. It is a relieving rule that removes a minimum speed limitation when certain optional performance standards are met.

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0111, 817 624-5109

RIN: 2120–AB87

DOT—FAA

Final Rule Stage

1771. CONTROLLED AIR SPACE DESIGNATIONS IN INTERNATIONAL AIR SPACE

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a) F.A. Act, Section 307(a); 49 USC 1354(a) F.A. Act, Section 313(a)

CFR Citation: 14 CFR 71; 14 CFR 75

Legal Deadline: None

Abstract: User organizations recommended under the National Airspace Review to simplify the classification of offshore airspace designations.

Timetable:

Action	Date	FR Cite
ANPRM	07/29/85	50 FR 30798
ANPRM Comment Period End	10/28/85	50 FR 30798
To be consolidated	06/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/29/85 (50 FR 30798)

Additional Information: Regulatory Project ATO-200-84-19R/ATO-200-84-7R. This action will be consolidated into RIN 2120-AB95.

Agency Contact: Wayne Pierce, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9246

RIN: 2120–AB93

1772. PASSENGER-CARRYING AND CARGO AIR OPERATIONS FOR COMPENSATION OR HIRE

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 1485; 49 USC 106(g)

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 129; 14 CFR 135

Legal Deadline: None

Abstract: The FAA proposes to update and clarify the certification and operations specifications requirements for persons who operate aircraft for compensation or hire by (1) codifying the Special Federal Aviation Regulation pertaining to the certification requirements and (2) consolidating into one part the certification and operations specifications requirements for persons who operate under Part 121 or Part 135. The proposal responds to the termination of the Civil Aeronautics Board (CAB) and to changes in the air transportation industry since the Airline Deregulation Act of 1978. The proposal would provide a guide enabling persons who operate aircraft for compensation or hire to determine the certification and operations requirements with which they must comply.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39852
NPRM Comment Period End	01/10/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/12/88 (53 FR 39852)

Agency Contact: Michael J. Coffey, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3752

RIN: 2120–AC08

1773. IMPROVED STRUCTURAL REQUIREMENTS FOR PRESSURIZED CABINS AND COMPARTMENTS IN TRANSPORT CATEGORY AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1354(a); 49 USC 1355; 49 USC 1421; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 106(g); PL 97-449; 49 CFR 1.47(a)

CFR Citation: 14 CFR 25

Legal Deadline: None

Abstract: Notice proposes to amend Part 25 of the Federal Aviation Regulations (FAR) to upgrade the structural requirements for transport category airplane pressurized cabins by (1) amending the criteria for evaluation of the secondary effects of openings in the pressure vessel, and (2) extending the area of consideration to include openings anywhere within the pressure vessel. The required opening sizes to be considered would not be changed. The proposal is the result of an FAA review of the pressurized cabin load requirements and is intended to make the pressurized cabin load requirements less design-dependent and more objective. It would require evaluation of openings in any pressurized compartment and examination of the effects of differential pressure loads on any critical structure inside or outside of the pressurized cabin.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8742
Correction to NPRM	05/19/88	53 FR 18022
NPRM Comment Period End	07/14/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 03/16/88 (53 FR 8742)

Agency Contact: James Haynes, Policy and Procedures Branch, Transport Standards Staff, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South C-68966, Seattle, WA 98168, 206 431-2113

RIN: 2120–AC44

1774. FUEL VENTING AND EXHAUST-EMISSION REQUIREMENTS FOR TURBINE-ENGINE POWERED AIRPLANES

Significance: Nonsignificant

Legal Authority: 49 USC 1341(a); 49 USC 106(g)(Revised, PL 97-449, Jan. 12, 1983); 49 USC 1343(d); 49 USC 1348; 49 USC 1354(a); 49 USC 1401 to 1405; 49 USC 1421 to 1431; 49 USC 1481; 49 USC 1502

CFR Citation: 14 CFR 11; 14 CFR 21; 14 CFR 23; 14 CFR 25; 14 CFR 45; 14 CFR 91

Legal Deadline: None

Abstract: Special Federal Aviation Regulation (SFAR) 27 prescribes standards and test procedures for fuel venting and exhaust emissions for the turbine powered airplanes. This proposal would replace SFAR 27, as amended through SFAR 27-6, with a new Part 34 of the Federal Aviation Regulations which will include all of the standards and test procedures of 40

CFR 87 previously included in SFAR 27. This will codify in a single part all of the applicable requirements of 40 CFR 87, Control of Air Pollution from Aircraft and Aircraft Engines; Emissions Standards and Test Procedures, as amended, December 30, 1982, and insert requirements to comply with Part 34 in the other affected Parts where applicable.

Timetable:

Action	Date	FR Cite
NPRM	05/23/88	53 FR 18530
NPRM Comment Period End	06/22/88	
Final Action	11/09/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/23/88 (53 FR 18530)

Agency Contact: Harvey H. Van Wyen, Manager, Research and Engineering Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3558

RIN: 2120–AC62

1775. REALIGNMENT OF RESTRICTED AREAS IN THE EGLIN AFB AREA

Significance: Nonsignificant

Legal Authority: 49 USC 1302; 49 USC 1303; 49 USC 1348; 49 USC 1348(a); EO 10854; 49 USC 106(g)(Revised PL 97-449, January 12, 1983); 14 CFR 11.69; 49 USC 1354(a); 49 USC 1421(a); 49 USC 1424; 49 USC 1510; 49 USC 1522; 49 USC 2402; 49 USC 2424

CFR Citation: 14 CFR 73; 14 CFR 93

Legal Deadline: None

Abstract: This revision proposes to realign restricted areas in the Eglin AFB area to increase the availability of airspace for civil users. In addition, to include certain portions of the realigned restricted areas, when not active in Section 93.81, Special Air Traffic Rule Airspace.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 517
NPRM Comment Period End	02/19/88	53 FR 517
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/08/88 (53 FR 517)

Additional Information: Regulatory Project No. ATO-200-87-11P

Agency Contact: Paul Gallant/Wayne Pierce, Air Traffic Control Specialists, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9253

RIN: 2120–AC63

1776. INDEMNIFICATION OF PUBLISHERS OF AERONAUTICAL CHARTS AND MAPS

Significance: Nonsignificant

Legal Authority: 49 USC 1519

CFR Citation: 49 CFR 15.10; 49 CFR 15.11; 49 CFR 15.12; 49 CFR 15.13; 49 CFR 15.14; 49 CFR 15.15; 49 CFR 15.16; 49 CFR 15.17

Legal Deadline: None

Abstract: This proposed action would revise 49 USC 1519 to provide for the filing of indemnity claims by publishers of aeronautical charts and maps, who are not presently encompassed in that section, provided they meet certain specified conditions.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31608
NPRM Comment Period End	10/03/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 08/18/88 (53 FR 31608)

Additional Information: This action is in response to an amendment of 49 USC 1519, which added a new section 1118 to the Federal Aviation Act of 1978, as amended.

Agency Contact: James S. Dillman, Assistant Chief Counsel, Litigation Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3661

RIN: 2120–AC73

1777. COMMUTER CATEGORY - RESPONSE TO FINAL RULE COMMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1354; 49 USC 1421; 49 USC 1423

CFR Citation: 14 CFR 23

Legal Deadline: None

Abstract: This action would respond to and resolve comments received in response to the final rule, request for comments, which was published January 15, 1987 (52 FR 1806).

Timetable:

Action	Date	FR Cite
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Earsa L. Tanksley, Manager, Standards Office, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SWtion, Washington, DC 20591, 816 426-6930

RIN: 2120–AC77

1778. PART 95 INSTRUMENT FLIGHT RULES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 05/00/89 - 05/00/90.

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120–AA63

1779. AIRWORTHINESS DIRECTIVES

Significance: Routine and Frequent

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act,

DOT—FAA

Final Rule Stage

Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently in order to correct known or expected safety problems on type certificated products. Total actions expected--300. 05/00/89 - 05/00/90.

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9580

RIN: 2120–AA64

1780. STANDARD INSTRUMENT APPROACH PROCEDURES

Significance: Routine and Frequent

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 05/00/89 - 05/00/90.

Timetable:

Action	Date	FR Cite
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Don Funai, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8277

RIN: 2120–AA65

1781. AIRSPACE ACTIONS

Significance: Routine and Frequent

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current.

Timetable:

Action	Date	FR Cite
Final Action	10/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Huff, Manager, Airspace Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3075

RIN: 2120–AA66

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions

1782. + LOW-ALTITUDE WINDSHEAR EQUIPMENT REQUIREMENTS FOR TAKEOFFS/LANDINGS OF TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 135; 14 CFR 121

Legal Deadline: None

Abstract: The FAA amends Part 121 to require airborne low-altitude windshear warning and flight guidance equipment in airplanes and Parts 121 and 135 to require windshear training for flight crewmembers. The National Transportation Safety Board investigations show that low-altitude windshear has been a prime cause of air carrier accidents. This rule is expected to reduce windshear related accidents by training pilots in avoidance and escape techniques and by providing a low-altitude windshear warning system with flight guidance equipment in certain airplanes to increase the margin of safety if windshear is inadvertently encountered.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25867
ANPRM Comment Period End	08/03/79	
NPRM	06/01/87	52 FR 20560
NPRM Comment Period End	09/28/87	
Final Action	09/27/88	53 FR 37688
Correction to Final Rule	10/14/88	53 FR 40316
Final Action Effective	01/02/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/01/87 (52 FR 20560)

Additional Information: Docket No. 19110. Following the initial announcement of this proposal, it was determined that a regulatory analysis would not be required; however, an evaluation has been made and docketed.

Certain compliance and equipment requirement dates are January 2, 1991.

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AA01

1783. + ANTI-DRUG PROGRAM FOR PERSONNEL ENGAGED IN SPECIFIED AVIATION ACTIVITIES

Significance: Regulatory Program

Legal Authority: 49 USC 1354; 49 USC 1355 to 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 61; 14 CFR 63; 14 CFR 65; 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This final rule sets forth regulations to require domestic and supplemental air carriers, commercial operators of large aircraft, air taxi and commuter operators, certain commercial operators, certain contractors to these operators, and air traffic control facilities not operated by the FAA or the U.S. military to have an anti-drug program for employees who perform sensitive safety- or security-related functions. A special provision has been added to the rule that provides that the final rule does not apply to any person where compliance with the final rule would violate the domestic law or policy of another country. Testing under the rule will be conducted by an employer prior to employment, periodically, randomly, after an accident, based on reasonable cause, and after an employee returns to duty to perform a sensitive safety- or security-related function for an employer. The final rule also will require that an employer provide EAP education and training services to employees and supervisors. The rule is necessary (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/09/86	51 FR 44432
ANPRM Comment Period End	01/23/87	
Comment Period Extended to 02/23/87	01/23/87	52 FR 2547
NPRM	03/14/88	53 FR 8368
Notice of Public Hearings	05/20/88	53 FR 18250
NPRM Comment Period End	06/13/88	
Final Action	11/21/88	53 FR 47024
Correction to Final Rule	12/13/88	53 FR 49979
Final Action Effective	12/21/88	
Correction to Final Rule	01/12/89	54 FR 1288

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Draft Regulatory Evaluation 03/14/88 (53 FR 8368); Regulatory Evaluation 11/21/88 (53 FR 47024)

Additional Information: ABSTRACT CONT: to prohibit an employee from performing a sensitive safety- or security-related function for an employer while that employee has a prohibited drug in his or her system or if that employee has used drugs as evidenced by a drug test showing the presence of drugs or drug metabolites. The rule is intended to ensure a drug-free aviation workforce and to eliminate drug use and abuse in commercial aviation.

Former title was Control of Drugs and Alcohol Use for Personnel Engaged in Commercial and General Aviation Activities.

Agency Contact: Dennis McEachen, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3414

RIN: 2120–AC33

1784. + INSTALLATION OF TRAFFIC CONTROL AVOIDANCE SYSTEM IN DOMESTIC TRANSPORT CATEGORY AIRPLANES

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1303; 49 USC 1344; 49 USC 1352 to 1355; 49 USC 1401 to 1431; 42 USC 4321 et seq; 49 USC 106(g)

CFR Citation: 14 CFR 25; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Legal Deadline: Other, Statutory, December 30, 1991.
PL 100-223

Abstract: This final rule requires installation and use of Traffic Alert and Collision Avoidance System (TCAS) in large transport type airplanes and certain turbine powered smaller airplanes. TCAS, which utilizes the signal from existing transponders, would provide for a collision avoidance capability in the cockpit independent of the ground Air Traffic Control (ATC) system, or where there is no ATC coverage. Additionally, the rule requires that all operators of TCAS-equipped airplanes have an FAA-approved TCAS training program for flight crewmembers.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32268
NPRM Comment Period End	12/24/87	
Final Action	01/10/89	54 FR 940
Final Rule Correction	01/18/89	54 FR 1926
Final Action Effective	02/09/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 08/26/87 (52 FR 32268)

Agency Contact: Frank Rock, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9567

RIN: 2120–AC34

1785. + REVISION OF FOREIGN REPAIR STATION RULES

Significance: Regulatory Program

Legal Authority: 49 USC 1354(a); 49 USC 1355(a); 49 USC 1421; 49 USC 1422; 49 USC 1423; 49 USC 1424; 49 USC 1425; 49 USC 1426; 49 USC 1427; 49 USC 1428; 49 USC 1429; 49 USC 1430; 49 USC 1431; 49 USC 1502; 49 USC 106(g); ...

CFR Citation: 14 CFR 145

Legal Deadline: None

Abstract: The purpose of these amendments is to revise the regulations to accommodate the increasing demand for maintenance and alteration of U.S.-registered aircraft operated worldwide. These amendments modify the requirements for U.S. certification of a foreign repair station. In addition, a foreign or domestic manufacturer of a product for which it holds a U.S. type certificate and that is certificated by the FAA as a repair station will be allowed to return to service a component maintained or altered by a noncertificated source, subject to specified conditions. Lastly, to be consistent with the air carrier operating rules, the air taxi/ commercial operator rules are amended to permit the airworthiness release to be signed by a person authorized by a U.S.-certificated foreign repair station. This action is part of a general project underway to review and update all Federal Aviation Regulations governing repair stations.

DOT—FAA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	11/24/87	52 FR 45124
NPRM Comment Period End	01/25/88	
Final Action	11/22/88	53 FR 47362
Correction to Final Rule	12/07/88	53 FR 49378
Final Action Effective	12/22/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 11/24/87 (52 FR 45124)

Agency Contact: Leo Weston, Manager, Aircraft Maintenance Division, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-8203

RIN: 2120–AC50

1786. + INOPERATIVE INSTRUMENTS OR EQUIPMENT

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91

Legal Deadline: None

Abstract: These amendments revise the Federal Aviation Regulations (FAR) to permit rotorcraft, nonturbine-powered airplanes, gliders, and lighter-than-air aircraft, for which an approved Master Minimum Equipment List has not been developed, to be operated with inoperative instruments and equipment not essential for the safe operation of the aircraft. Furthermore, these amendments permit general aviation operators of small rotorcraft, nonturbine-powered small airplanes, gliders, and lighter-than-air aircraft, for which a Master Minimum Equipment List has been developed, the option of operating under the minimum equipment list concept or in accordance with the provisions of this final rule. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278
NPRM Comment Period End	01/25/82	
SNPRM Comment Period End 03/14/88	12/15/87	52 FR 47680
Final Action	12/13/88	53 FR 50190
Final Action Effective	12/13/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/26/81 (46 FR 52278)

Agency Contact: John Lynch, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3841

RIN: 2120–AA19

1787. + PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Significance: Agency Priority

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Legal Deadline: None

Abstract: Advance Notice of Proposed Rulemaking (ANPRM), Airspace Docket No. 83-AWA-26, which was published in the Federal Register on February 8, 1984, has been withdrawn. That ANPRM proposed to establish and/or modify prohibited airspace areas at nine Department of Energy nuclear facilities located at Aiken, SC; Golden, CO, Idaho Falls, ID; Los Alamos, NM; Oak Ridge, TN; Richland, WA; San Francisco, CA; Livermore, CA; and Amarillo, TX.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
ANPRM Comment Period End	04/09/84	
Public Hearings Announced	07/20/84	49 FR 29411
Comment Period Extended to 11/16/84	08/07/84	49 FR 31435
Withdrawn	10/17/88	53 FR 40452

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Paul Gallant, Special Use Airspace, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9253

RIN: 2120–AB39

1788. + PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER-DRIVEN SMALL AIRPLANES

Significance: Agency Priority

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Legal Deadline: None

Abstract: This rule revised noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This rule revised test procedures applicable to noise certification tests conducted on or after January 1, 1988. It revised the noise-level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals resulted from industry requests for certification to be more directly based upon typical inservice noise measurements and from studies conducted in several nations over a three-year period under the auspices of the International Civil Aviation Organization. In addition, this rule exempts antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	07/14/86	51 FR 25500
NPRM Comment Period End	10/09/86	
Final Action	11/22/88	53 FR 47394
Correction to Final Rule	12/13/88	53 FR 50157
Final Action Effective	12/22/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/14/86 (51 FR 25500)

Agency Contact: Steven Albersheim, Environmental Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-3560

RIN: 2120–AB47

1789. + FLIGHT ATTENDANT FLIGHT-TIME LIMITATIONS AND REST REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: The Association of Flight Attendants and the Joint Council of Flight Attendant Unions petitioned FAA to amend Part 121 and 135 to establish maximum duty time limits and minimum hours of rest for flight attendants. Summaries of the petitions were published (50 FR 6185 and 50 FR 25252) and requested comments to assist the FAA in determining what, if any, regulatory proposals should be developed. However it was determined that further action was unnecessary and the petition was denied. This matter was considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Petition Denied	02/06/89	54 FR 5637

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 267-8096

RIN: 2120–AB97

1790. + FLIGHT PLAN AND TRANSPONDER-ON REQUIREMENTS IN AIR DEFENSE IDENTIFICATION ZONES (ADIZ)

Significance: Agency Priority

Legal Authority: 49 USC 1348; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) Revised Pub L 97-449, January 12, 1983

CFR Citation: 14 CFR 99

Legal Deadline: None

Abstract: This rule requires that all aircraft operating into, within, or out of the United States through a coastal air defense identification zone be operated under a filed flight plan regardless of true airspeed. Each such operation by an aircraft equipped with a functioning air traffic control (ATC) transponder must be conducted with that transponder on and reply on the appropriate code or on a code assigned by ATC. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/24/86	51 FR 37882
NPRM Comment Period End	12/23/86	
Final Action	10/12/88	53 FR 39842
Correction to Final Rule	11/02/88	53 FR 44182
Final Action Effective	12/12/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/24/86 (51 FR 37882)

Additional Information: Regulatory Project ATO-200-85-13R (Docket # 25099)

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120–AC00

1791. + FIRE PROTECTION REQUIREMENTS FOR CARGO AND BAGGAGE COMPARTMENTS - PARTS 121 AND 135

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355; 49 USC 1356; 49 USC 1357; 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1485; 49 USC 1502; 49 USC 106(g); PL 97-449; 49 USC 1472; 49 USC 1355(a); 49 USC 1431

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: None

Abstract: This action imposes requirements to improve cargo compartment fire protection for transport category airplanes operated under Parts 121 and 135 after a specified date. A new rule requires, within two years, replacement of ceiling and sidewall (including door and bulkhead) cargo compartment fire resistant liner panels in Class C and D cargo compartments greater than 200 cubic feet in volume in certain transport category airplanes. This rulemaking is significant because of substantial public interest in crashworthiness criteria.

Timetable:

Action	Date	FR Cite
NPRM	11/05/87	52 FR 42512
NPRM Comment Period End	05/03/88	
Final Action	02/17/89	54 FR 7384
Final Action Effective	03/20/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7384)

Agency Contact: Gary L. Killion, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2112

RIN: 2120–AC04

1792. + TERMINAL CONTROL AREA CLASSIFICATION AND PILOT/EQUIPMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1348(a); 49 USC 1354(a); 49 USC 1355; 49 USC 1401; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 2121 to 2125; 49 USC 106(g); EO 10854; 14 CFR 11.69

CFR Citation: 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: This rulemaking establishes a single-class TCA, requires all aircraft to be equipped with an automatic altitude reporting transponder when operating within 30 miles of a TCA primary airport, requires student pilots to receive TCA training and instructor pilot endorsement in order to conduct operations in a TCA, requires helicopters to be equipped with appropriate navigational aid equipment, and requires a private pilot license for operations at certain TCA primary airports.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22918
Comment Period Extended - NPRM to 09/16/87	08/06/87	52 FR 29205
NPRM Comment Period End	08/17/87	
Final Action	10/14/88	53 FR 40318
Correction to Final Rule	10/26/88	53 FR 43320
Final Action Effective	01/12/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/16/87 (52 FR 22918)

Additional Information: RIN 2120-AC36 has been combined into this proceeding. Regulatory Project No AT-200-86-21R (Docket #25304).

Helicopter navigational-equipment requirement is effective 07/01/89.

Agency Contact: Reginald C. Matthews, Air Traffic Control Specialist, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-9245

RIN: 2120–AC35

1793. + PART 129 SECURITY PROGRAM FOR FOREIGN AIR CARRIERS

Significance: Agency Priority

Legal Authority: 49 USC 1346; 49 USC 1345(a); 49 USC 1356; 49 USC 1357; 49 USC 1421; 49 USC 1502; 49 USC 1511; 49 USC 106(g)

CFR Citation: 14 CFR 129

Legal Deadline: None

Abstract: This final rule requires foreign air carriers that land or take off in the United States to submit to the Administrator for approval a written security program that describes the procedures, facilities, and equipment used by the foreign air carrier to provide for the protection of persons and property traveling in air transportation against acts of criminal violence and air piracy. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34874
NPRM Comment Period End	11/07/88	
Final Action	03/16/89	54 FR 11116
Final Action Effective	04/17/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 03/16/89 (54 FR 11116)

Agency Contact: David Smith, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3466

RIN: 2120–AC42

1794. + ACCESS TO SECURED AREAS OF AIRPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1354; 49 USC 1356; 49 USC 1358; 49 USC 1421; 49 USC 106(g); PL 97-449

CFR Citation: 14 CFR 107

Legal Deadline: None

Abstract: This rule establishes a requirement for certain airport operators to submit to the Director of Civil Aviation Security, for approval and inclusion in their approved security programs, amendments to ensure that only those persons authorized to have access to secured areas of an airport are able to obtain that access and, also, to ensure that such access is denied immediately to individuals whose authority to have access changes. The rule provides for the installation and use of a system, method, or procedure that meets certain performance standards, or the use of an approved alternative system, method, or procedure for controlling access to security areas of airports. This rule is needed to improve control of the locations that provide access to secured areas of airports. It is intended to enhance airport security by precluding access to these areas by unauthorized persons. This rulemaking was significant because it was critical to aviation and airport security.

Timetable:

Action	Date	FR Cite
NPRM	03/18/88	53 FR 9094
NPRM Comment Period End	05/02/88	
Final Action	01/06/89	54 FR 582
Final Action Effective	02/08/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 03/18/88 (53 FR 9094)

Agency Contact: Sharan Sharp, Department of Transportation, Federal Aviation Administration, Office of Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, 202 267-2947

RIN: 2120–AC69

1795. + SMOKING ABOARD AIRCRAFT

Significance: Agency Priority

Legal Authority: 49 USC 1354(a); 49 USC 1355 to 1357; 49 USC 1374(d); 49 USC 1401; 49 USC 1421 to 1430; 49 USC 1472; 49 USC 1485; 49 USC 1502; 49 USC 106(g)

CFR Citation: 14 CFR 121; 14 CFR 135

Legal Deadline: Final, Statutory, April 23, 1988.
PL 100-202

Abstract: This rule requires the "no smoking" sign to be turned on at all times on scheduled airline flights, except for flights between the United States and other countries, which are scheduled to be two hours or less in duration. This rule carries out a ban on smoking on such flights mandated by PL 100-202. The rule also makes minor changes in other, related sections of Parts 121 and 135 which affect smoking aboard air carrier aircraft during flights not covered by a total ban. Smoking in lavatories is prohibited on all air carrier

flights. By December 31, 1988, aircraft lavatories must have placards which notify passengers that tampering with smoke detectors is prohibited by Federal law. Finally the required passenger briefing must include more detailed instructions on smoking, including all these changes and the new statutory ban on tampering with smoke alarms in aircraft lavatories. This rulemaking was significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Final Action	04/13/88	53 FR 12358
Final Action Effective	04/23/88	
Correction to Final Rule	04/26/88	53 FR 14888
Correction to Final Rule	11/02/88	53 FR 44182

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/13/88 (53 FR 12358)

Additional Information: Comments were invited through May 31, 1988.

Agency Contact: Patricia Abdullah, Operations Law Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, 202 267-8756

RIN: 2120–AC83

1796. RULES OF PRACTICE: FAA CIVIL PENALTY ASSESSMENT ACTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1345(a); 49 USC 1354(c); 49 USC 1374(a); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a); 49 USC 1482(b); 49 USC 1482(c); 49 USC 1484 to 1489; 49 USC 1475; 49 USC 1655(c)

CFR Citation: 14 CFR 13.15; 14 CFR 13.16; 14 CFR 13.31; 14 CFR 13.201; 14 CFR 13.202; 14 CFR 13.203; 14 CFR 13.204; 14 CFR 13.205; 14 CFR 13.206; 14 CFR 13.207; 14 CFR 13.208; 14 CFR 13.209; 14 CFR 13.210; 14 CFR 13.211; 14 CFR 13.212

Legal Deadline: Other, Statutory, December 30, 1989.
Authority to assess civil penalties and conduct on-the-record hearing terminates 12/30/89; FAA must report to Congress by 06/30/89.

Abstract: This final rule revises the initiation procedures and provides new procedural rules regarding civil penalty assessment actions. The final rule provides procedures for on-the-record hearings required by Congress in civil actions not in excess of $50,000 assessed by the FAA.

Timetable:

Action	Date	FR Cite
Final Action	09/07/88	53 FR 34646
Final Action Effective	09/07/88	
Correction to Final Rule	10/06/88	53 FR 39404

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/07/88 (53 FR 34646)

Additional Information: This final rule is in response to congressional amendment of the Federal Aviation Act of 1958 as amended.

Agency Contact: Allan H. Horowitz, Manager, Enforcement Policy Branch, Office of Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 267-3137

RIN: 2120–AC74

1797. AIRPORT-RELATED PROCEEDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1354(a); 49 USC 1354(c); 49 USC 1374(a); 49 USC 1401 to 1406; 49 USC 1421 to 1428; 49 USC 1471; 49 USC 1475; 49 USC 1481; 49 USC 1482(a); 49 USC 1428(b); 49 USC 1428(c); 49 USC 1484 to 1489; 49 USC 1655(c); 49 USC 106(g)

CFR Citation: 14 CFR 13.1(a); 14 CFR 13.3(a); 14 CFR 13.20(a); 14 CFR 13.3(b)

Legal Deadline: None

Abstract: This final rule revised several applicability sections of Part 13 to include reference to the Airport and Airway Improvement Act of 1982 and the Airport and Airway Safety and Capacity Expansion Act of 1987.

Timetable:

Action	Date	FR Cite
Final Action	08/31/88	53 FR 33782
Correction to Final Rule	09/12/88	53 FR 35255
Final Action Effective	09/30/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Additional Information: Comments were invited through September 30, 1988, the date this final rule was effective.

Agency Contact: Denise Daniels Ross, Attorney, Regulations and Enforcement Div., Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Aveune, SW, Washington, DC 20591, 202 267-3491

RIN: 2120–AC78

1798. ● RESPONSIBILITIES OF MANUFACTURERS OF PARTS AND PRODUCTS PRODUCED UNDER A PRODUCTION CERTIFICATE

Significance: Nonsignificant

Legal Authority: 49 USC 1344; 49 USC 1348(c); 49 USC 1352; 49 USC 1354(a); 49 USC 1355; 49 USC 1421 to 1431; 49 USC 1502; 49 USC 1651(b)(2); 49 USC 106(g) (Revised PL 97,449, January 12, 1983); 42 USC 1857f-10; 42 USC 4321; EO 11514

CFR Citation: 14 CFR 21

Legal Deadline: None

Abstract: This amendment clarified the responsibility of a production certificate holder with respect to the manufacturer of a replacement or modification part for installation on a type certificated product. The amendment is intended to ensure that such manufacturers are aware of their responsibility to determine that each part produced conforms to its approved design and is in a condition for safe operation.

Timetable:

Action	Date	FR Cite
Final Action	12/01/88	53 FR 48520
Final Action Effective	01/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melanie R. Miller, Aircraft Manufacturing Division,

Aircraft Certification Service, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8361

RIN: 2120–AC93

1799. ● APPLICABILITY OF FEDERAL AVIATION REGULATIONS IN THE AIRSPACE OVERLYING THE WATERS BETWEEN 3 AND 12 NAUTICAL MILES FROM THE UNITED STATES COAST

Significance: Nonsignificant

Legal Authority: 49 USC 1301(7); 49 USC 1303; 49 USC 1344; 49 USC 1348; 49 USC 1352 to 1355; 49 USC 1401; 49 USC 1421 (As amended PL 100-223); 49 USC 1422 to 1431; 49 USC 1471; 49 USC 1472; 49 USC 1502; 49 USC 1510; 49 USC 1522; 49 USC 106(g) (Revised PL 97-449, January 12, 1983); 42 USC 4321; ...

CFR Citation: 14 CFR 71; 14 CFR 91

Legal Deadline: None

Abstract: This action extended controlled airspace and the applicability of certain air traffic rules to coincide with certain limits of territorial jurisdiction adopted by the United States. This action was taken in order to reflect presidential action extending the territorial sea of the United States, for international purposes, from 3 to 12 nautical miles from the United States coast.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/27/88	
Final Action	01/04/89	54 FR 264

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL AUTHORITY CONT: EO 11514; EO 10854; PL 100-202; Articles 12, 29, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180).

Agency Contact: David L. Bennett, Airspace and Environmental Law Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-3491

RIN: 2120–AC94

1800. ● ESTABLISHMENT OF WARNING AREAS IN THE AIRSPACE OVERLYING THE WATERS BETWEEN 3 AND 12 NAUTICAL MILES FROM THE UNITED STATES COAST

Significance: Nonsignificant

Legal Authority: 49 USC 1348(a); 49 USC 1354(a); 49 USC 1510; 49 USC 1522; 49 USC 106(g) (Revised PL 97-449, January 12, 1983); EO 10854

CFR Citation: 14 CFR 73

Legal Deadline: None

Abstract: This action established warning areas in airspace subject to FAA jurisdiction, in order to reflect recent presidential action extending the territorial sea of the United States, for international purposes, from 3 to 12 nautical miles from the United States coast. The warning areas are established in the same location as nonregulatory warning areas previously designated over international waters. The Department of Defense will conduct hazardous military flight activities in these areas. The areas are established for a period of 1 year, to permit the FAA to consider the need for rulemaking action to meet military training needs in this airspace.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/27/88	
Final Action	01/04/89	54 FR 260

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David L. Bennett, Airspace and Environmental Law Branch, Office of the Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-3491

RIN: 2120–AC95

1801. ● STATE BLOCK GRANT PILOT PROGRAM

Significance: Nonsignificant

Legal Authority: 49 USC App 2201 (as amended, 49 USC App 2227)

CFR Citation: 14 CFR 156

Legal Deadline: Final, Statutory, June 30, 1988.
Airport and Airway Safety and Capacity Expansion Act of 1987

Abstract: This final rule sets forth regulations to implement the State block grant pilot program included in recent congressional legislation. The regulations are intended to provide guidance to the States regarding the application process for, and administration of, the 2-year State block grant pilot program. The final rule is necessary in order to comply with the statutory provision that requires the Secretary of Transportation to promulgate regulations to implement the State block grant pilot program.

Timetable:

Action	Date	FR Cite
Final Action	10/20/88	53 FR 41302
Correction to Final Rule	11/21/88	53 FR 46869
Final Action Effective	11/21/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mark Beisee, Program Guidance Branch, Office of Airport Planning and Programming, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 267-8826

RIN: 2120–AC97

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Prerule Stage

1802. ● + COMMERCIAL DRIVER'S LICENSE STANDARDS; BIOMETRIC IDENTIFIER

Significance: Regulatory Program

Legal Authority: PL 100-202, Sec 9105

CFR Citation: 49 CFR 383

Legal Deadline: None

Abstract: This action will develop improved identification systems for truck and bus drivers as identified by the Congress in the Truck and Bus Regulatory Reform Act of 1988. Such

high technology "unique" identifiers, when and if incorporated into the Commercial Driver's License Information System and the related State information systems, would reduce still further the opportunities for a driver to fraudulently obtain multiple licenses and to conceal disqualifying offenses. Alternatives under consideration include, but will not be limited to, retinal eye scans and advanced fingerprint technologies. Potential costs will accrue to the States for startup and operation of the upgraded identification methods, and to drivers and/or employers for incremental licensing costs passed on to them by the States. Safety benefits are expected to flow from the more accurate screening of CDL applicants and tracking of CDL holders' offenses.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 202 366-4001

RIN: 2125–AC24

1803. REVIEW AND PREEMPTION OF STATE MOTOR-CARRIER SAFETY REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC App. 2507; 49 USC App. 2508

CFR Citation: 49 CFR 390; 49 CFR 391; 49 CFR 392; 49 CFR 393; 49 CFR 394; 49 CFR 395; 49 CFR 396; 49 CFR 397; 49 CFR 398; 49 CFR 399

Legal Deadline: None

Abstract: Sections 207-209 of the Motor Carrier Safety Act of 1984 establish a process whereby any State law or regulation pertaining to commercial motor vehicle safety in interstate commerce will be reviewed and analyzed by the Commercial Motor Vehicle Safety Regulatory Review Panel (Safety Panel). The Safety Panel is to determine if such law or regulation has the same effect as, is less stringent than, or is additional to or more stringent than the Federal Motor Carrier Safety Regulations. Based on the determination of the Safety Panel, the Secretary is to initiate a rulemaking proceeding to determine if such a law or regulation may remain in effect and enforced. This advance notice of proposed rulemaking is the initial rulemaking action for any possible preemptive action by the Secretary. It will contain alternatives for comment on ways the Secretary may satisfy the requirements of section 208 of the Act. Section 9109 of the Truck and Bus Safety and Regulatory Reform Act of 1988 extends the deadline for Secretarial preemption under certain conditions until no later than 10/30/91.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: Thomas Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC11

1804. MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS; SELF-INSURANCE

Significance: Nonsignificant

Legal Authority: 49 USC 10927 Note

CFR Citation: 49 CFR 387

Legal Deadline: None

Abstract: The FHWA has determined that the issues associated with its authority to permit motor carriers to self-insure need to be examined in light of the insurance crisis affecting the motor carrier industry. The FHWA is seeking public comment from interested parties concerning self-insurance as a viable and effective mechanism for demonstrating financial responsibility as required by the Motor Carrier Act of 1980.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22086
ANPRM Comment Period End	07/18/86	51 FR 22086
SANPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/89

Additional Information: An interim final rule was published on June 18, 1986, at 51 FR 22080 permitting motor carriers of property to satisfy the financial responsibility requirements of the DOT (FHWA) by self-insuring if they have received approval from the ICC to self-insure and have maintained an FHWA "satisfactory" safety rating. This rulemaking action will further analyze the issues addressed in the interim final rule. After analyzing comments received to the 6/18/86 ANPRM, the FHWA has decided to issue a supplemental ANPRM in order to further explore the issues.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB65

1805. FEDERAL MOTOR CARRIER SAFETY REGULATIONS; PAPERWORK BURDENS

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2503

CFR Citation: 49 CFR 350 to 399

Legal Deadline: None

Abstract: By this rulemaking, the FHWA will be considering ways to reduce paperwork burdens imposed on motor carriers subject to the requirements of the Federal Motor Carrier Safety Regulations (49 CFR 350-399). Changes are being considered in accordance with the requirements of the Paperwork Reduction Reauthorization Act of 1986. This Act requires the agencies to set goals to reduce the paperwork burden imposed on motor carriers by 20 percent by September 30, 1990.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	
NPRM	08/00/89	

Small Entities Affected: None

DOT—FHWA **Prerule Stage**

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/89

Additional Information: A 90-day comment period will be provided for the ANPRM.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC04

1806. ● INSPECTION, REPAIR AND MAINTENANCE; BRAKE INSPECTION

Significance: Nonsignificant

Legal Authority: PL 100-690, Sec 9110

CFR Citation: 49 CFR 393

Legal Deadline: Final, Statutory, December 31, 1990.
A final rule must be issued by 12/31/90.

Abstract: The FHWA is requesting public comment concerning the development and implementation of Federal standards or methods to ensure that brakes and brake systems of commercial motor vehicles are properly maintained and inspected. This action is required by Section 9110 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (Pub. L. 100-690, 102 Stat. 4181).

Timetable:

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5518
ANPRM Comment Period End	04/04/89	
NPRM	10/00/89	
Final Action	12/31/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/03/89 (54 FR 5518)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 366-2981

RIN: 2125–AC25

1807. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; COMMERCIAL MOTOR VEHICLE DEFINITION

Significance: Nonsignificant

Legal Authority: 49 USC 2391-2404; 49 USC App 2505; 49 USC 3102

CFR Citation: 49 CFR 350; 49 CFR 390

Legal Deadline: None

Abstract: The FHWA is addressing the issue of the gross vehicle weight rating (GVWR) criterion used to define a "commercial motor vehicle" subject to the Federal Motor Carrier Safety Regulations (FMCSR's). The FHWA is specifically seeking public comment on the enforcement and regulatory capability regarding the rating.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/89	54 FR 7224
ANPRM Comment Period End	04/18/89	
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 02/17/89 (54 FR 7224)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 366-2981

RIN: 2125–AC27

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Proposed Rule Stage

1808. + PRIVATE CARRIAGE OF PASSENGERS

Significance: Regulatory Program

Legal Authority: 49 USC 104; 49 USC 3102; 49 USC App 2503; 49 USC App 2505

CFR Citation: 49 CFR 383; 49 CFR 390 to 393; 49 CFR 395; 49 CFR 396

Legal Deadline: None

Abstract: The FHWA is proposing revisions to the requirements for private motor carriers of passengers and the drivers of private motor vehicles of passengers. The proposed revisions would require private motor carriers of passengers and drivers of private motor vehicles of passengers to operate under the Federal Motor Carrier Safety Regulations (FMCSR). However, the paperwork burden of these requirements will be minimized and several parts of the FMCSR will not apply to either private motor carriers of passengers or to drivers of such vehicles. This rulemaking is significant in that it is controversial, involving bringing new carriers under the regulatory scheme.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	03/11/85	50 FR 2998
NPRM	02/17/89	54 FR 7362
NPRM Comment Period End	06/19/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7362)

Additional Information: This action was formerly entitled Minimum Requirements for Private Motor Carriers of Passengers and Drivers of Private Motor Vehicles of Passengers.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB62

1809. + TRUCK SIZE AND WEIGHT; REASONABLE ACCESS

Significance: Regulatory Program

Legal Authority: 49 USC 2311(d); 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA has requested information and comments on the existing FHWA regulation governing reasonable access by commercial vehicles with lengths and widths authorized by the Surface

Transportation Assistance Act of 1982 (STAA) as amended.

Timetable:

Action	Date	FR Cite
ANPRM	01/05/87	52 FR 298
ANPRM Comment Period End	05/05/87	52 FR 298
NPRM	12/30/88	53 FR 53006
NPRM Comment Period End	05/01/89	53 FR 53006
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/30/88 (53 FR 53006)

Additional Information: Additional agency contact: John F. Grimm (202) 366-4039.

Agency Contact: Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2951

RIN: 2125–AB70

1810. + COMMERCIAL DRIVER'S LICENSE STANDARDS; DISQUALIFICATION

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App. 2505; PL 99-570, Title IX

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: None

Abstract: The FHWA is proposing to amend Parts 383 and 391 of the Federal Motor Carrier Safety Regulations (FMCSR's) to address certain questions that were posed in the final rule (Docket MC-125; Notice No. 87-06) published in the Federal Register on June 1, 1987. Specifically, in this document the FHWA proposes to define "excessive speeding," "reckless driving" and other serious traffic violations "and other issues pertaining to the disqualification of commercial motor vehicle (cmv) drivers." The FHWA also proposes to amend the subject parts to clarify or make minor revisions. Because of the public interest in the issue of commercial motor vehicle safety and the expected benefits of improved transportation safety, this action is considered significant under the regulatory policies and procedures of the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 5036
NPRM Comment Period End	04/03/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 01/31/89 (54 FR 5036)

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-4001

RIN: 2125–AC19

1811. + LABOR AND EMPLOYMENT

Significance: Agency Priority

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the inclusion of State prevailing wage rates which are higher than those determined by the Department of Labor in Federal-aid contracts. This rulemaking is significant because of its federalism implications.

Timetable:

Action	Date	FR Cite
NPRM	09/27/85	50 FR 39137
NPRM Comment Period End	11/12/85	50 FR 39137
NPRM Supplemental	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (minimal impact) 09/27/85 (50 FR 30137)

Additional Information: Upon further review, the FHWA has determined to issue a supplemental NPRM.

Agency Contact: Kathy Markman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0780

RIN: 2125–AB37

1812. ● + FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; MOTOR VEHICLE MARKING

Significance: Agency Priority

Legal Authority: 49 USC 3102; 49 USC App 2503; 49 USC App 2505

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: The FHWA proposes to amend its commercial motor vehicle marking requirements to include every commercial motor vehicle subject to the Federal Motor Carrier Safety Regulations (FMCSR's) and establish general location parameters for the placement of required marking information. This action will enhance the uniform identification of commercial motor vehicles operated on the nations's highways and aid enforcement officers in carrying out their duties. This rulemaking action is considered significant because of the public interest in commercial motor carrier safety.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-2981

RIN: 2125–AC28

1813. REVIEW: GENERAL MATERIALS REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Legal Deadline: None

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid

construction work. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	01/29/81	46 FR 9642
NPRM Comment Period End	03/30/81	
SNPRM	11/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/00/89

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AA19

1814. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACTS; EQUAL OPPORTUNITY COMPLIANCE REVIEW; PROGRAM REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Legal Deadline: None

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Glenn R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1587

RIN: 2125–AB08

1815. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Significance: Nonsignificant

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Legal Deadline: None

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job training (OJT) special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	47 FR 52470
SNPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 11/22/82 (47 FR 52470)

Additional Information: A supplemental NPRM will be issued in order to propose updated revisions. The supplemental NPRM will address all procedures and provisions contained in 23 CFR 420. Therefore, the proposed rulemaking action explained under the entry (RIN No. 2125-AB27) formerly located in the "Proposed Rule Stage" portion of the agenda has been merged with this rulemaking action.

Agency Contact: Glenn Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1587

RIN: 2125–AB15

1816. FEDERAL-AID PROGRAMS APPROVAL AND PROJECT AUTHORIZATION

Significance: Nonsignificant

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315; PL 100-17, Sec 117(e)

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. This action will revise existing regulations and implement section 117 (e) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17). Section 117 (e) allows a State to contribute more State and/or local funds to a Federal-aid project under the minimum required by Title 23 of the United States Code.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
ANPRM Comment Period End	10/01/84	
NPRM	04/00/89	
Interim Final Rule	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0450

RIN: 2125–AB18

1817. ADMINISTRATION OF CONTRACTS

Significance: Nonsignificant

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402; PL 100-17, Sec 111(b)

CFR Citation: 23 CFR 172

Legal Deadline: None

Abstract: Revisions to the existing regulation will be made to standardize the minimum requirements by including FHWA's interpretation of OMB Circular A-102 requirements. Inclusion of OMB Circular A-102 as an appendix to the regulations will be deleted. This rulemaking action will also address the changes to the selection procedures as required by section 111(b) of the

Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Additional Information: A 60-day comment period will be provided.

Agency Contact: Si Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125–AB30

1818. RIGHT-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 710; 23 CFR 712; 23 CFR 720

Legal Deadline: None

Abstract: The FHWA intends to publish an NPRM to update and reorganize its right-of-way regulations for the Federal-aid highway program. Subjects to be addressed include State highway agency responsibilities, authorizations, and reimbursement.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AB58

1819. PROPERTY MANAGEMENT, DISPOSALS AND AIRSPACE

Significance: Nonsignificant

Legal Authority: 23 USC 315

CFR Citation: 23 CFR 713

Legal Deadline: None

Abstract: The FHWA intends to issue an NPRM proposing to update its regulations on property management, disposal, and airspace relative to the Federal-aid highway program. This rulemaking action will reflect current departmental decisions and policies as well as recent legislative mandates.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AB60

1820. QUALIFICATION OF DRIVERS; DIABETES

Significance: Nonsignificant

Legal Authority: 49 USC 3102; 49 USC App 2505; 23 USC 315

CFR Citation: 49 CFR 391.41(b)(3)

Legal Deadline: None

Abstract: This rulemaking action responds to a petition filed by the American Diabetes Association (ADA) and others. The current diabetic rule prohibits insulin-using diabetics from driving in interstate or foreign commerce. The ADA has petitioned to change the regulation to provide for exemptions. The purpose of this action is to consider the proposed exemption program.

Timetable:

Action	Date	FR Cite
ANPRM	11/25/87	52 FR 45204
ANPRM Comment Period End	12/28/87	53 FR 45204
Comment period extended to 02/01/88	01/04/88	53 FR 42
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB91

1821. ADVANCE CONSTRUCTION OF FEDERAL-AID PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(a); 23 USC 104; 23 USC 109; 23 USC 110; 23 USC 113; 23 USC 115; 23 USC 120(f); 23 USC 121(c); 23 USC 125; 23 USC 315; 23 USC 320; PL 100-17, Sec 113

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: The FHWA is revising its regulations relating to the advance construction of Federal-aid highway projects. The revisions incorporate new provisions mandated by section 113 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). The procedures allow States to advance the construction of Federal-aid highway projects without requiring that Federal funds be obligated at the time the FHWA approves the project.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2853

RIN: 2125–AC07

1822. CONSTRUCTION ENGINEERING COSTS

Significance: Nonsignificant

Legal Authority: 23 USC 101(e); 23 USC 114(a); 23 USC 115(b); 23 USC 120 to 122; 23 USC 315; PL 95-599, Sec 115(c); PL 100-17, Sec 114

CFR Citation: 23 CFR 140

Legal Deadline: None

Abstract: This rulemaking document will implement provisions mandated by section 114 of the Surface Transportation and Uniform Relocation

Assistance Act of 1987 (STURAA). Section 114 revised 23 USC 121(d) by eliminating the 10-percent limitation on construction engineering (CE) costs and increasing the limitation to 15 percent of actual costs of construction excluding costs of right-of-way, preliminary engineering, and CE.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: Max I. Inman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2853

RIN: 2125–AC09

1823. ACQUISITION OF REAL PROPERTY FOR RIGHTS-OF-WAY

Significance: Nonsignificant

Legal Authority: 23 USC 315; PL 100-17, Sec 126; PL 100-17, Sec 146

CFR Citation: 23 CFR 172; 23 CFR 710; 23 CFR 712; 23 CFR 713; 23 CFR 720; 23 CFR 740

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is proposing to revise and consolidate several right-of-way regulations to improve the organization of the subject matter and updating the content. This action will also implement sections 126 and 146 (airspace and donations) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: Douglas Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2019

RIN: 2125–AC17

1824. ENVIRONMENTAL IMPACT AND RELATED PROCEDURES; CONSTRUCTIVE USE

Significance: Nonsignificant

Legal Authority: 23 USC 315; 49 USC 303

CFR Citation: 23 CFR 771

Legal Deadline: None

Abstract: The need for rulemaking in this area has been caused by recent court decisions. The courts have delayed or halted several important Federal-aid highway projects on the grounds that the proximate effects or impacts from a given highway would constructively use land from a park or historic site. In each instance the FHWA had determined that there existed no constructive use. This determination was based on an analysis of proximity impacts and whether the impacts would substantially impair the functions or values which qualified the property for protection under Section 4(f) of the DOT Act. The FHWA has been operating under an informal policy directive on constructive use since 11/12/85. This rulemaking action would formalize existing policy on constructive use, and future court decisions would address the regulation rather than be based on ad hoc interpretations of specific project facts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: Harter M. Rupert, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4093

RIN: 2125–AC18

1825. ● PARTS AND ACCESSORIES FOR SAFE OPERATION; EMERGENCY WARNING DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-690, Sec 9106

CFR Citation: 49 CFR 393

Legal Deadline: Final, Statutory, October 31, 1989.

Final action must be taken by 10/31/89.

Abstract: The FHWA is requesting comments on several issues relating to the appropriate use of emergency warning devices for commercial motor vehicles in response to Section 9106 of the Truck and Bus Safety and Regulatory Reform Act of 1988 (Pub. L. 100-690, 102 Stat. 4181). Issues include the use of fuses as an alternative or supplement to bidirectional emergency reflective triangles, as well as all aspects of emergency warning devices, including the type allowed and exemptions and/or condition for use.

Timetable:

Action	Date	FR Cite
ANPRM	02/03/89	54 FR 5516
ANPRM Comment Period End	03/20/89	
NPRM	07/00/89	
Final Action	10/31/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 02/03/89 (54 FR 5516)

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 202 266-2981

RIN: 2125–AC26

1826. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; RENTAL VEHICLE LEASING

Significance: Nonsignificant

Legal Authority: 49 USC 2905

CFR Citation: 49 CFR 390

Legal Deadline: None

Abstract: This rulemaking action responds to a petition filed by the Truck Rental and Leasing Association (TRALA). The FHWA is proposing to amend its commercial motor vehicle marking requirements to allow certain "rental vehicles" to be marked with the name and address of the rental company and the U.S. DOT identification number issued to the rental company in lieu of requiring the renting motor carrier to display its required identification information on the sides of the rental vehicle. This action will enhance the uniform identification of commercial motor vehicles operated on the nation's highways and aid enforcement officers

in carrying out their duties. This rulemaking action will also reduce the marking burden placed on motor carriers which operate rental vehicles from time to time.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Mr. Thomas P. Koslowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AC29

1827. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Significance: Routine and Frequent

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/89.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Reg. Evaluation (Minimal Impact) 12/00/89

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2184

RIN: 2125–AA37

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Highway Administration (FHWA)

Final Rule Stage

1828. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; MAXI-CUBE

Significance: Regulatory Program

Legal Authority: 23 USC 315; 49 USC 2311(d); PL 99-591, Sec 324

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: An ANPRM had been issued requesting public comment on a petition to designate a particular combination of vehicles as specialized equipment under the provisions of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Upon further review, the FHWA has determined that no rulemaking action is required at this time. This rulemaking action will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/85	50 FR 52940
ANPRM Comment Period End	02/10/86	50 FR 52940
ANPRM Supplemental	02/28/86	51 FR 7085
To be withdrawn	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125–AB48

1829. + AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Agency Priority

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to States and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35178
NPRM Comment Period End	11/08/88	53 FR 35178
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35178)

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4836

RIN: 2125–AB10

1830. + CERTIFICATION OF SPEED LIMIT ENFORCEMENT

Significance: Agency Priority

Legal Authority: 23 USC 141; 23 USC 154; 23 USC 315; PL 100-17, Sec 174

CFR Citation: 23 CFR 659

Legal Deadline: None

Abstract: The FHWA and the National Highway Traffic Safety Administration (NHTSA) are amending the regulations on certification of speed limit enforcement in order to streamline the sanction process and to take into account the provisions mandated by section 174 of the Surface

DOT—FHWA

Final Rule Stage

Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 174 of STURAA amended 23 U.S.C. 154 by giving the States the authority to increase, without loss of Federal-aid funds, the maximum speed limit to no more than 65 miles per hour (mph) on certain Interstate System highways. A notice of proposed rulemaking was issued proposing revisions to the sanction process contained in 23 CFR Part 659. A separate final rulemaking action has been issued in order to provide the States the authority to adjust the speed sampling and analysis plan required for determining the level of 55 mph noncompliance.

Timetable:

Action	Date	FR Cite
Final Action Adjusting Sampling Plans	08/03/87	52 FR 28691
NPRM	03/11/88	53 FR 7943
NPRM Comment Period End	04/11/88	53 FR 7943
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 03/11/88 (53 FR 7943)

Additional Information: This rulemaking action, as well as the final rule on sampling plans (Supplemental), are considered significant because of the substantial public interest involved.

Agency Contact: Sheldon G. Strickland, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1993

RIN: 2125–AC00

1831. ● + TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; SOUTH CAROLINA

Significance: Agency Priority

Legal Authority: 23 USC 127; 23 USC 315; 49 USC 2311; 49 USC 2313; 49 USC App 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA was proposing to modify the National Network for commercial motor vehicles by deleting a certain route in South Carolina. The National Network was established by the final rule on Truck Size and Weight published at 49 FR 23302 on June 5, 1984. It is maintained under 23 CFR 658, Appendix A, as amended. However, the State has now requested that the route not be deleted and the final action will take into consideration the State's changed position. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/25/88	53 FR 18859
NPRM Comment Period End	07/25/88	53 FR 18859
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 05/25/88 (53 FR 18859)

Additional Information: The NPRM was published as part of the entry under RIN 2125-AC10. Since additional information and data was needed to resolve the issue of deleting the route in South Carolina, the FHWA has separated the action on South Carolina from those actions that addressed routes in Iowa and Kentucky.

Agency Contact: Mr. Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 202 366-2951

RIN: 2125–AC23

1832. CONTRACT PROCEDURES

Significance: Nonsignificant

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: This revision will update and simplify existing Federal-aid contract procedures. In view of comments received, an SNPRM will be issued.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36645
NPRM Comment Period End	10/17/78	
SNPRM	10/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/00/89

Agency Contact: William Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AA18

1833. COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Legal Deadline: None

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g., grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA27

1834. RAILROAD GRADE CROSSINGS

Significance: Nonsignificant

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Legal Deadline: None

Abstract: The FHWA had considered a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. However, after further review it has been determined that no further action by the FHWA is needed in this area. Therefore, the 11/18/82 ANPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904
To be withdrawn	04/00/89	

DOT—FHWA

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA36

1835. ACCELERATION OF PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 140; 23 USC 315; PL 97-424, Sec 129

CFR Citation: 23 CFR 630

Legal Deadline: None

Abstract: This revision was intended to expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action was also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period End	11/25/83	48 FR 57330
To be withdrawn	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal impact) 08/26/83 (48 FR 38854)

Additional Information: An interim policy statement was published 6/8/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4628

RIN: 2125–AA87

1836. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Significance: Nonsignificant

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Legal Deadline: None

Abstract: The proposed rule was intended to adopt the AASHTO Guide Specifications for water pollution control. After careful consideration of comments submitted in response to the NPRM and based upon a further review by FHWA, it has been determined that rulemaking in this area is no longer necessary. Therefore, the NPRM will be withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period End	03/18/85	
To be withdrawn	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Philip L. Thompson, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4611

RIN: 2125–AB05

1837. CONTRACT PROCEDURES; ADVERTISING FOR BIDS; NONCOLLUSION AFFIDAVIT/DECLARATION REQUIREMENT

Significance: Nonsignificant

Legal Authority: 23 USC 112-114; 23 USC 117; 23 USC 128; 23 USC 315; 31 USC 6506; 42 USC 3334; 42 USC 4601 et seq

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) is revising its regulations on contract procedures regarding advertising for bids. The revised regulation provides the State highway agencies (SHA's) with the option to permit all bidders on a Federal-aid highway project to submit an unsworn noncollusion declaration, under penalty of perjury under the laws of the United States, as an alternative to the sworn noncollusion affidavit requirement of the existing regulation.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Additional Information: Since the revisions are minor administrative adjustments and require no change to FHWA procedures, this document will be issued without a public comment period.

Agency Contact: William A. Weseman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AC16

1838. ● PUBLIC AVAILABILITY OF INFORMATION; FREEDOM OF INFORMATION ACT REGULATIONS; TECHNICAL AMENDMENTS

Significance: Nonsignificant

Legal Authority: 5 USC 552; 31 USC 9701; 49 USC 322

CFR Citation: 49 CFR 7

Legal Deadline: None

Abstract: This action amends Appendix D of the final rule published on 8/11/88 at 53 FR 30265 regarding implementation of the Freedom of Information Act by FHWA. The technical amendments are necessary in order to correct a typographical error, to remove unnecessary explanatory language, to add a paragraph on determinations to disclose records and grant or deny requests for fee waivers or reductions, and to conform paragraph designations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

DOT—FHWA

Final Rule Stage

Agency Contact: Mr. John H. Schnackenberg, Department of Transportation, Federal Highway Administration, **202 366-0534**

RIN: 2125–AC20

1839. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL; EXEMPT INTRACITY ZONE; FOREIGN MOTOR CARRIERS

Significance: Nonsignificant

Legal Authority: 49 USC App 2503; 49 USC 2505; 49 USC 3102; 49 USC 3104; 49 USC 504; PL 100-690, Sec 9102

CFR Citation: 23 CFR 390; 23 CFR 391; 23 CFR 393

Legal Deadline: None

Abstract: The FHWA is amending Parts 390, 391, and 393 of the Federal Motor Carrier Safety Regulations (FMCSRs). This action amends the intracity zone exemption to make it consistent with Truck and Bus Safety and Regulatory Reform Act of 1988 (the Act) (Title IX, Subtitle B of PL 100-690, 102 Stat. 4181). It also exempts certain foreign motor carriers from the provisions of 49 CFR Part 393 for a period of one year from the date of enactment of the Act (i.e., 11/18/89). The Act also requires the Secretary to report to Congress on the effects of the delayed application and recommend "on the extent to which foreign motor carriers may or should comply with all or any of the requirements of Part 393." To comply with the Congressional mandate, the FHWA is requesting comments from all interested parties on this issue.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 04/00/89

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, **202 366-2981**

RIN: 2125–AC21

1840. ● DESIGN STANDARDS FOR HIGHWAYS; AASHTO PUBLICATIONS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: The American Association of State Highway Transportation Officials (AASHTO) is revising and updating two of its publications: 1) A Policy on Geometric Design of Highways and Streets, AASHTO 1984 and 2) A Policy on Design Standards Interstate System, AASHO 1967.This action will designate these two revised AASHTO publications as being acceptable to the Federal Highway Administration for application in the geometric design of highways and remove the out-of-date versions from the acceptable list.

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 06/00/89

Agency Contact: Seppo I. Sillan, Department of Transportation, Federal Highway Administration, **202 366-1327**

RIN: 2125–AC22

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions

1841. + CONTROLLED SUBSTANCES

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 23 USC 315; 49 USC 104; 49 USC App 2505

CFR Citation: 49 CFR 382

Legal Deadline: None

Abstract: The FHWA requested comments on a proposal which would mandate chemical testing of interstate drivers of commercial motor vehicles for the use of drugs. The impetus for this action is the safety and health concern associated with the use of drugs by these personnel. The goal of the rule is to reduce accidents and casualties that result from the use of drugs. This rule was preceded by two drug rulemaking actions which were published in the Federal Register on 5/13/86 (BMCS Docket No. MC-116, Amendment No. 83-17, 51 FR 17568; BMCS Docket No. MC-120, Notice No. 86-3, 51 FR 17572). The latter of those actions proposed a drug test plan (much less comprehensive than proposed here) for drivers of hazardous materials. The former requested comments on specific questions regarding the various aspects of a drug control program applicable to interstate drivers. The intent of the rule is to consolidate the subject matter of the previous actions and propose a comprehensive drug control program applicable to all drivers in interstate commerce. Because the impact of this proposal (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/27/82	47 FR 42383
Initial ANPRM Withdrawn	01/23/85	50 FR 2998
ANPRM	05/13/86	51 FR 17568
ANPRM Comment Period End	08/11/86	51 FR 17568
NPRM	06/14/88	53 FR 22268
Supplemental Notice of Public Hearings	07/06/88	53 FR 25353
NPRM Comment Period End	09/12/88	53 FR 22268
Final Action	11/21/88	53 FR 47134
Final Action Effective	12/21/88	53 FR 47134

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis; Regulatory Evaluation 11/21/88 (53 FR 47134)

Additional Information: ABSTRACT CONT: will result in an annual effect on the economy of over $100 million, this action is considered major under Executive Order 12291. This rule established a comprehensive drug testing program that incorporates a DOT modal approach to creating a drug-free transportation environment. A notice of public hearings was published on 7/6/88 at 53 FR 25353.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AA79

1842. + INSPECTION, REPAIR, AND MAINTENANCE

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 210; PL 98-554, Sec 204; 23 USC 315

CFR Citation: 49 CFR 396; 49 CFR 390; 48 CFR 393

Legal Deadline: None

Abstract: The FHWA sought public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This action is required by section 210 of the Motor Carrier Safety Act of 1984. The revisions require motor carriers to comply with Federal inspection standards, a State inspection program, or an authorized self-inspection program.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/24/85	
NPRM	02/26/87	52 FR 5913
SNPRM Comment Period extended to 06/29/87	04/27/87	52 FR 13853
NPRM Comment Period End	06/29/87	52 FR 13853
Final Action	12/07/88	53 FR 49402
Final Action Effective	12/07/89	53 FR 49968

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 12/07/88 (53 FR 49402)

Additional Information: The NPRM proposed revisions after taking into account the public comments received to the ANPRM (01/10/85), 50 FR 1245). The 1/10/85 ANPRM also solicited comments on the provisions relating to the parts and accessories necessary for the safe operation of commercial motor vehicles. This section (parts and accessories) and comments made to it are the subject of a separate rulemaking action. See Completed Action Stage, RIN 2125-AB45.

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB34

1843. + PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION; GENERAL

Significance: Regulatory Program

Legal Authority: 49 USC 3102; PL 98-554, Sec 110

CFR Citation: 49 CFR 393

Legal Deadline: None

Abstract: This rulemaking action responded to section 210 of the Motor Carrier Safety Act of 1984. Section 210 requires the Department to open Part 393 of the Federal Motor Carrier Safety Regulations (FMCSR), which concerns the parts and accessories necessary for the safe operation of commercial motor vehicles, for public comment and review. In essence, Part 393 is the basis for the vehicle inspection currently performed on vehicles operated by motor carriers subject to DOT jurisdiction. The resultant amendments affect requirements for axles and attached parts, brake systems, frame and frame assemblies, lights, steering systems, suspension systems, fuel systems, and other vehicle parts and accessories, and also make certain technical amendments.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period End	02/25/85	50 FR 1245
NPRM	02/26/87	52 FR 5892
SNPRM Comment Period extended to 06/29/87	04/27/87	52 FR 13853
NPRM Comment Period End	06/29/87	52 FR 13853
Final Action	12/07/88	53 FR 49380
Final Action Effective	03/07/89	53 FR 49380

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 12/07/88 (53 FR 49380)

Additional Information: For the rulemaking action specifically addressing 49 CFR 393.42 (Front Wheel Brakes), see the entry entitled "Parts and Accessories Necessary for Safe Operation; Front Wheel Brakes," in 52 FR 2801 (01/27/87).

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB45

1844. + SAFETY FITNESS PROCEDURES

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 215; 49 USC 3102

CFR Citation: 49 CFR 385

Legal Deadline: None

Abstract: Section 215 of the Motor Carrier Safety Act of 1984 required the FHWA, in cooperation with the Interstate Commerce Commission, to establish a procedure to determine the safety fitness of owners and operators of commercial motor vehicles including persons seeking new or additional operating authority as motor carriers. Comments were requested regarding the proposed changes in the current safety rating procedures and a new proposal for those carriers who have not previously been assigned a safety rating or who intend to be a new entrant into the motor carrier industry. It has been determined that this rulemaking action is a significant regulation under the regulatory policies and procedures of the Department of Transportation because of the total estimated indirect benefits that may result. A final rule was published on 12/19/88 at 53 FR 50961.

Timetable:

Action	Date	FR Cite
NPRM	06/25/86	51 FR 23088
NPRM Comment Period End	08/11/86	51 FR 23088
Final Action	12/19/88	53 FR 50961
Final Action Effective	01/18/89	53 FR 50961

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 12/19/88 (53 FR 50961)

Agency Contact: Gerald J. Davis, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2698

RIN: 2125–AB46

1845. + EMPLOYEE SAFETY AND HEALTH STANDARDS

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 399

Legal Deadline: None

Abstract: The Federal Highway Administration (FHWA) was considering proposing to revise Part 399 of the Federal Motor Carrier Safety Regulations (FMCSR) to implement Section 206 of the Motor Carrier Safety Act of 1984. After reviewing the public comments received to the ANPRM published on January 23, 1985 (50 FR 2998), the FHWA has decided that no revisions to this Part are warranted at this time. This Part is considered reissued pursuant to the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	04/22/85	50 FR 2998
Withdrawn	02/17/89	54 FR 7191

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB50

1846. + DRIVING A MOTOR VEHICLE

Significance: Regulatory Program

Legal Authority: PL 98-554, Sec 206; 49 USC App 2505

CFR Citation: 49 CFR 392

Legal Deadline: None

Abstract: The FHWA had considered revising Part 392 of the Federal Motor Carrier Safety Regulations (FMCSR) in accordance with section 206 of the Motor Carrier Safety Act of 1984. After reviewing the comments received in response to the ANPRM published on January 23, 1985 (50 FR 2998), FHWA has decided not to make further revisions to Part 392 at this time. This Part is considered reissued as currently written pursuant to the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period End	04/22/85	50 FR 2998
Withdrawn	02/17/89	54 FR 7191

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB51

1847. + TRUCK SIZE AND WEIGHT; SPECIALIZED EQUIPMENT; BOAT TRANSPORTERS

Significance: Regulatory Program

Legal Authority: 23 USC 315; 23 USC 2311(d); PL 100-17, Sec 133

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: FHWA sought comments on a request to designate boat transporters as specialized equipment under provision of section 411(d) of the Surface Transportation Assistance Act of 1982 (STAA). Of prime concern were comments and information on the following issues relating to boat transporters: maneuvering characteristics, safety, control, offtracking, crosswind effects, and the need for overall length limits on boat transporters. Information on the similarities and dissimilarities between boat transporters and auto transporters was also solicited, as well as information on the consistency of truck configurations used for hauling boats. Comments were requested regarding the need to preempt current State regulation of this vehicle, as well as an actual definition and description of boat transporters, and on the types of vehicles that should be considered as specialized equipment as well as an actual definition. Boat transporters were designated as specialized equipment by final rule published 12/2/88 at 53 FR 48634.

Timetable:

Action	Date	FR Cite
ANPRM	03/18/86	51 FR 10234
ANPRM Comment Period End	05/09/86	51 FR 10234
NPRM	01/29/88	53 FR 2602
NPRM Comment Period End	04/18/88	53 FR 2602
Final Action	12/02/88	53 FR 48634
Final Action Effective	12/02/88	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 12/02/88 (53 FR 48634)

Agency Contact: Philip W. Blow, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4036

RIN: 2125–AB55

1848. + QUALIFICATION OF DRIVERS; HAZARDOUS MATERIALS DRIVERS

Significance: Regulatory Program

Legal Authority: 49 USC 3102; 49 USC App 2505

CFR Citation: 49 CFR 391

Legal Deadline: None

Abstract: The notice of proposed rulemaking published on 5/13/86 (51 FR 17572), which proposed to establish stricter driver qualification rules for drivers of vehicles containing certain classes of hazardous materials, has been withdrawn. Certain rulemaking actions mandated by the Commercial Motor Vehicle Safety Act of 1986 will supersede this action. The subject matter of this rulemaking regarding training will be addressed by RSPA in subsequent rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/13/86	51 FR 17572
NPRM Comment Period End	08/11/86	51 FR 17572
Withdrawn	02/17/89	54 FR 7191

Small Entities Affected: None

Government Levels Affected: State

DOT—FHWA

Completed Actions

Analysis: Regulatory Evaluation 05/13/86 (51 FR 17572)

Agency Contact: Jill Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4009

RIN: 2125–AB64

1849. + COMMERCIAL DRIVER TEST AND LICENSING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 2505; 49 USC 3102; PL 99-570, Sec 12005; PL 99-570, Sec 12006; PL 99-570, Sec 12009

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: Final, Statutory, July 15, 1988.

Abstract: On 7/21/88 (53 FR 27628), the FHWA amended Part 383 of the Federal Motor Carrier Safety Regulations (FMCSR's) to establish minimum standards for State testing and licensing of commercial motor vehicle (CMV) drivers. Standards established include: commercial driver licensing and testing procedures to be used by the States; knowledge, skills, and abilities which drivers of different types of CMV's must possess; and the information to be contained on the commercial drivers license (CDL) issued by the States. The standards also require that CMV drivers take and pass the appropriate knowledge and skills tests by 4/1/92. In addition, on 9/26/88 (53 FR 37313), the FHWA issued a notice of final disposition regarding waivers submitted by several groups of CMV drivers from various requirements of the regulation. In a separate rulemaking action, the FHWA will propose to define "excessive speeding," "reckless driving" and "other serious traffic violations" and other issues pertaining to the disqualification of CMV drivers. See action under RIN 2125-AC19.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/86	51 FR 27567
ANPRM Comment Period End	11/05/86	51 FR 35538
NPRM	12/11/87	52 FR 47326
NPRM Comment Period End	02/09/88	52 FR 47326
Final Action	07/21/88	53 FR 27628
Final Action Effective	08/22/88	53 FR 27628
Notice of Final Disposition Waivers	09/26/88	53 FR 37313

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 07/21/88 (53 FR 27628)

Additional Information: Final action was effective 08/22/88, except 04/01/92 for Sec 383.23.

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125–AB68

1850. + BLOOD ALCOHOL CONCENTRATION STANDARD FOR COMMERCIAL VEHICLE OPERATORS

Significance: Regulatory Program

Legal Authority: PL 99-570, Sec 12008; 49 USC App. 2505; 49 USC 3102

CFR Citation: 49 CFR 383; 49 CFR 391

Legal Deadline: Final, Statutory, October 27, 1988.

Abstract: In response to Section 12008 of the Commercial Motor Vehicle Safety Act of 1986, the FHWA requested comments on the establishment of a commercial driver blood alcohol concentration (BAC) standard for "driving under the influence." Also in response to Section 12008 of the Act, the National Academy of Sciences (NAS) conducted a study on the appropriateness of selecting one of several alternative BAC levels as the level at which a person operating a commercial motor vehicle would be deemed to be driving under the influence of alcohol. Based on the results of the study and the rulemaking comments, the Secretary of Transportation promulgated a commercial driver BAC standard. States are required to enact laws providing that any driver who operates a commercial motor vehicle at the Federal BAC level or above it is deemed to be driving under the influence of alcohol. States not enacting a BAC-level law for commercial motor vehicle drivers risk the loss of Federal-aid highway funds. The comments received were available to the NAS.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9192
ANPRM Comment Period End	05/22/87	
NPRM	05/10/88	53 FR 16656
Correction to NPRM	06/02/88	53 FR 20147
NPRM Comment Period End	06/29/88	53 FR 16656
Final Action	10/04/88	53 FR 39044
Final Action Effective	10/27/88	53 FR 39044

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 10/04/88 (53 FR 39044)

Agency Contact: Jill L. Hochman, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4001

RIN: 2125–AB79

1851. + TRUCK SIZE AND WEIGHT; SPECIAL PERMITS

Significance: Regulatory Program

Legal Authority: 23 USC 127; 49 USC 2311; 49 USC 2313; 49 USC App. 2316; 23 USC 315

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: This rulemaking action would have deleted language pertaining to the issuance of special permits in sec. 658.17 and requested that States identify grandfather rights claimed for single and tandem axle weight, gross weight, alternate bridge formula, and special permit authority. Upon further review, the FHWA has determined that no action is required in this area at this time. Therefore, this action has been terminated.

Timetable:

Action	Date	FR Cite
Action Terminated	12/12/88	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: John MacGowan, Department of Transportation, Federal Highway Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-4032

RIN: 2125–AB80

1852. + UNIFORM RELOCATION ACT AMENDMENTS OF 1987; GENERAL

Significance: Agency Priority

Legal Authority: 42 USC 4601 et seq; PL 100-17, Sec 4

CFR Citation: 49 CFR 24

Legal Deadline: Final, Statutory, April 2, 1989.
A final rule must be promulgated by 4/2/89.

Abstract: This rulemaking addresses implementation of Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100-17, 101 Stat. 132 (STURAA). Title IV of STURAA amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), 42 U.S.C. sections 4601 to 4655 (1982). Title IV establishes: a lead agency (FHWA) to insure consistent Federal implementation; an increase in the maximum monetary benefits that can be provided to persons forced to relocate by Federal or federally assisted projects; an expansion of the Uniform Act's coverage to insure more types of displacing activities; and an allowance for a State certification program. This rulemaking was significant because of substantial public interest involved.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27598
Notice of Public Meetings	07/27/88	53 FR 28239
Correction to NPRM	08/01/88	53 FR 28995
NPRM Comment Period End	09/19/88	
Final Action	03/02/89	54 FR 8912
Final Action Effective	03/02/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 03/02/89 (54 FR 8912)

Agency Contact: Robert Moore, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0116

RIN: 2125–AB85

1853. + DRIVER'S RECORD OF DUTY STATUS; ONBOARD RECORDING DEVICES

Significance: Agency Priority

Legal Authority: 49 USC App 2505; 49 USC 3102

CFR Citation: 49 CFR 395

Legal Deadline: None

Abstract: The FHWA initiated rulemaking to address the use of onboard recording devices in motor vehicles operating in interstate commerce. This action was taken in response to a petition filed by the Insurance Institute for Highway Safety (IIHS) on 2/25/87. The original IIHS petition (10/86) requested that the FHWA require motor carriers to use onboard recording devices for recording the driver's hours of service. This rulemaking is considered significant because of the substantial public interest involved. A final rule was issued allowing the use of on-board recording devices under certain conditions.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/87	52 FR 26289
ANPRM Comment Period End	10/13/87	52 FR 26289
NPRM	03/14/88	53 FR 8228
NPRM Comment Period End	04/13/88	53 FR 8228
Final Action	09/30/88	53 FR 38666
Final Action Effective	10/31/88	53 FR 38666
Correction to Final Rule	11/04/88	53 FR 44588

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 09/30/88 (53 FR 38666)

Additional Information: Devices are authorized as of 10/31/88. Devices must be in compliance with all requirements no later than 10/02/89.

Agency Contact: Mr. Thomas P. Kozlowski, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2981

RIN: 2125–AB95

1854. + TRUCK SIZE AND WEIGHT; NATIONAL NETWORK; IOWA AND KENTUCKY

Significance: Agency Priority

Legal Authority: 23 USC 127; 23 USC 315; 49 USC 2311; 49 USC 2313; 49 USC App 2316

CFR Citation: 23 CFR 658

Legal Deadline: None

Abstract: The FHWA has modified the National Network for commercial motor vehicles by deleting certain routes in Iowa and permitting restrictions on a route in Kentucky. A final rule on Truck Size and Weight published at 49 FR 23302 on June 5, 1984, established the National Network. It is maintained under 23 CFR 658, Appendix A, as amended. This rulemaking is considered significant because of substantial public interest. The original NPRM had also proposed deleting a certain route in South Carolina. At the time this final rule was prepared, insufficient data was available in order to make a determination on the South Carolina route. Resolution of this issue will be addressed in a separate rulemaking action. See RIN-2125-AC23.

Timetable:

Action	Date	FR Cite
NPRM	05/25/88	53 FR 18859
NPRM Comment Period End	07/25/88	53 FR 18859
Final Action	01/18/89	54 FR 1928
Final Action Effective	01/18/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Reg. Evaluation (Minimal Impact) 01/18/89 (54 FR 1928)

Additional Information: The final actions addressing the National Network in Kentucky and Iowa were published in separate final rules on 1/18/89. The final rule for Iowa was published at 54 FR 1930. The final rule for Kentucky was published at 54 FR 1928. Both final rules were effective on 1/18/89.

Agency Contact: Mr. Kevin E. Heanue, Department of Transportation, Federal Highway Administration, 400 Seventh

St., SW, Washington, DC 20590, 202 366-2951

RIN: 2125–AC10

1855. PAVEMENT POLICY FOR HIGHWAYS

Significance: Nonsignificant

Legal Authority: 23 USC 109(a) to 109(c); 23 USC 315; 23 USC 101(e); 23 USC 402

CFR Citation: 23 CFR 626; 23 CFR 625

Legal Deadline: None

Abstract: The existing regulation on pavement design has been modified to eliminate unnecessary requirements and duplicative provisions. Currently, the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO approved a new Pavement Design Guide in 1986. FHWA has solicited comments on the revised guide and will adopt it for use on Federal-aid projects as a guide, not a standard. Each State highway agency (SHA) will be required to have a process that is acceptable to FHWA for the type selection and design of new and reconstructed pavement structures. The SHA may use the design procedures outlined in the 1986 Guide or they may use other pavement design procedures that by past performance or supported by research are satisfactory for the pertinent conditions. Each SHA shall also have a pavement rehabilitation selection process and a pavement management system which are acceptable to FHWA.

Timetable:

Action	Date	FR Cite
NPRM	01/26/88	53 FR 2041
Comment Period Extended to 05/27/88	04/11/88	53 FR 11875
SNPRM	04/11/88	53 FR 11875
NPRM Comment Period End	04/25/88	53 FR 2041
Final Action	01/13/89	54 FR 1353

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal impact) 01/13/89 (54 FR 1353)

Additional Information: Register notice was published on 04/24/85 (50 FR 16103) outlining and explaining the procedural steps the FHWA would take to effectuate Federal adoption of the revised guide.

Agency Contact: Norman Van Ness, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0341

RIN: 2125–AA88

1856. STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINAIRES, AND TRAFFIC SIGNALS

Significance: Nonsignificant

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Legal Deadline: None

Abstract: In May, 1985, the American Association of State Highway and Transportation Officials (AASHTO) approved its publication entitled "Standard Specification for Structural Supports for Highway Signs, Luminaires, and Traffic Signals," which is incorporated in 23 CFR 625 as a specification. FHWA is adopting the AASHTO publication for Federal-aid application. An interim final rule adopted all of the 1985 AASHTO sign and luminaires specifications except section 7, Breakaway Supports. The SNPRM contained the results of FHWA's crash testing of previously accepted luminaire support systems and opened the docket for further comments.

Timetable:

Action	Date	FR Cite
NPRM	11/10/86	51 FR 40817
NPRM Comment Period End	05/11/87	51 FR 40817
Interim Final Rule	09/28/87	52 FR 32645
SNPRM	12/14/87	52 FR 47403
Final Action	01/05/89	54 FR 276
Final Action Effective	01/05/89	
Correction to Final Rule	01/17/89	54 FR 1844

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 01/05/89 (54 FR 276)

Agency Contact: James H. Hatton, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1329

RIN: 2125–AB56

1857. NATIONAL STANDARDS FOR TRAFFIC CONTROL DEVICES; REVISION OF UNIFORM TRAFFIC CONTROL DEVICES; PASSING AND NO-PASSING ZONE STANDARDS

Significance: Nonsignificant

Legal Authority: 23 USC 109(d); 23 USC 315; 23 USC 402(a)

CFR Citation: 23 CFR 655

Legal Deadline: None

Abstract: The FHWA considered issuing a NPRM in response to a petition filed by the Center for Auto Safety (CAS) to revise no-passing zone standards. If adopted, the revised standards could be incorporated into the Manual On Uniform Traffic Control Devices (MUTCD). In response to the ANPRM published on 6/11/86 at 51 FR 21180, the FHWA has found no conclusive data to determine that the current sight distances for passing zones are inadequate. The FHWA issued a termination of rulemaking and docket closing notice on 1/17/89 at 54 FR 1728.

Timetable:

Action	Date	FR Cite
ANPRM	06/11/86	51 FR 21180
ANPRM Comment Period End	07/20/87	51 FR 21180
Withdrawn Public docket closed	01/17/89	54 FR 1728

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Mr. Philip O. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0411

RIN: 2125–AB84

1858. CONSTRUCTION AND MAINTENANCE; CONTRACT PROCEDURES; STANDARDIZED CONTRACT CLAUSES

Significance: Nonsignificant

DOT—FHWA

Completed Actions

Legal Authority: 23 USC 112; 23 USC 117; 23 USC 315; PL 100-17, Sec 111(c)

CFR Citation: 23 CFR 635

Legal Deadline: None

Abstract: Regulations on contract procedures are amended to implement the provisions of Section 111(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA). Section 111(c) of STURAA amends 23 USC 112 to require a standardized contract clause in all Federal-aid contracts unless otherwise provided for by State law. The standardized contract clause provides for the equitable adjustment of contract terms: (1) where site conditions differ from those specified in the contract; (2) where work has been suspended by order of the contracting agency (other than a suspension of work caused by the fault of the contractor or by weather); and (3) where there are material changes in the scope of the work.

Timetable:

Action	Date	FR Cite
NPRM	12/01/87	52 FR 45645
NPRM Comment Period End	02/01/88	52 FR 45645
Comment Period Extended to 03/01/88	02/10/88	53 FR 3897
Final Action	01/30/89	54 FR 4269
Final Action Effective	05/01/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Reg. Evaluation (Minimal Impact) 01/30/89 (54 FR 4269)

Agency Contact: William A. Weseman, Chief, Construction and Maint. Division, Department of Transportation, Federal Highway Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0392

RIN: 2125–AB87

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Prerule Stage

1859. + UNIFORM TIRE-QUALITY GRADING

Significance: Agency Priority

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Contemplated action would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Rolling resistance is related to tire temperature rating which is already indicated on tire labels. Since excessive temperature can lead to sudden tire failure, this aspect is more important to consumer's safety than rolling resistance.

Agency Contact: Orron Kee, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AA52

1860. + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208, OCCUPANT CRASH PROTECTION - CHEST INJURY CRITERIA AND MANDATORY USE OF THE PART 572(E) DUMMY IN THE STANDARD COMPLIANCE TESTING

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Petitions for reconsideration have raised the question of whether the Part 572(E) dummy's chest deflection limit of 2 in. is appropriate for belt restraints. The rulemaking will address the petitioner's issues. The intention is to upgrade the chest-deflection injury criteria for unrestrained occupants when vehicles are tested for the Standard compliance with the Hybrid III Dummy. The Final Rule stated that the agency will have to resolve this issue by September 1, 1990. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Former title: Mandatory Use of the Part 572(E) Dummy in FMVSS 208 Compliance Testing.

RIN AC34, involving chest injury criteria, has been consolidated herein.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC13

1861. + ROLLOVER

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.216

Legal Deadline: None

Abstract: Consumers Union petitioned for rulemaking to develop a new standard to protect against unreasonable risk of rollover. The petition is under consideration. This issue is considered significant because of substantial public interest and safety factors involved.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC64

1862. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 102, TRANSMISSION SHIFT LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING EFFECT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: A petition is being considered which requests that an amendment be made which would require that automatic transmissions be designed so that they do not slip out of the PARK position. This issue is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC74

1863. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 102, TRANSMISSION SHIFT LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING EFFECT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: A rulemaking action is being considered which would amend the provisions for indication of the shift position or shift pattern for transmissions that do not have a "PARK" position. This rulemaking is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC75

1864. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A rulemaking action is being considered which would amend the provisions for location of identification and clearance lamps on vehicles that are more than 80 inches wide. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC78

1865. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 201, OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This action responds to a petition by Chrysler to exempt from the head-impact requirements of the standard those vehicles equipped with a passenger-side airbag complying with Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC84

1866. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 205, GLAZING MATERIALS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: A petition is being considered which requests that an amendment be made to the standard which would allow the applications of a film with 35% transmittance to the windows of motor vehicles. This project is considered significant because of the substantial public interest expected to be generated.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC85

1867. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301, FUEL-SYSTEM INTEGRITY

Significance: Agency Priority

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: NHTSA is contemplating amending the standard to include buses over 10,000 pounds gross vehicle weight rating (GVWR) (such as intercity and transit buses) and to upgrade the standard's current requirements for all buses (including school buses) to which the standard already applies. The current standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less. This action is considered significant because of the safety implications involved.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC89

1868. ● + RECONSIDERATION OF 1989 PASSENGER-CAR FUEL-ECONOMY STANDARD

Significance: Agency Priority

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: None

Abstract: The Center For Auto Safety and Public Citizen have petitioned the agency to reconsider the Model Year 1989 passenger-car corporate average fuel-economy standard set by the agency and published 10/06/88: 53 FR 39275. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC91

1869. REVIEW: SCHOOLBUS SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Legal Deadline: None

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/85	
End Review	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AA65

1870. REVIEW: LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: The standard requires passenger cars sold after Oct. 1, 1985 to be equipped with center high-mounted stop lamps. The evaluation will determine the reduction of rear-impact collisions that occurred after the lamps were introduced in the vehicle fleet, as well as the cost of the lamps.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
Preliminary evaluation report published	03/20/87	52 FR 9609
Interim Report	06/01/89	
End Review	06/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The preliminary evaluation report indicated that cars equipped with center high-mounted stop lamps were 22 percent less likely to be struck in the rear while braking than cars without the lamps.

Agency Contact: Frank G. Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NPP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB76

1871. REVIEW: IMPACT PROTECTION FOR THE DRIVER FROM THE STEERING CONTROL SYSTEM

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.203

Legal Deadline: None

Abstract: This review involves detailed quantitative analysis of factors limiting the performance of energy-absorbing steering assemblies in cars and an evaluation of the assemblies' fatality and injury reduction in light trucks.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/86	
End Review	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank G. Ephraim, Director, Office of Standards

Evaluation, Department of Transportation, National Highway Traffic Safety Administration, NNP-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB78

1872. REVIEW: ROOF CRUSH RESISTANCE AND DOOR LOCKS AND DOOR RETENTION COMPONENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.206; 49 CFR 571.216

Legal Deadline: None

Abstract: This program was selected for review because of costs. The evaluation will study the effect of roof crush strength and door lock improvements on the crashworthiness of passenger cars in rollover crashes.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/00/89

Additional Information: Title was amended to add Door Locks and Door Retention Components.

Agency Contact: Frank Ephraim, Director, Office of Standards Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC20

1873. OCCUPANT PROTECTION IN INTERIOR IMPACT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.201

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multipurpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/86	
Evaluation report published	01/25/88	53 FR 2516
End Review	06/15/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 06/15/89

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB16

1874. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL-SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that, while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks.

Timetable:

Action	Date	FR Cite
End Review	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB43

1875. SUPPLEMENTAL FMVSS NO. 208 INJURY CRITERIA - FACIAL LACERATIONS, NECK INJURY, KNEE SHEAR, TIBIA AND ANKLE INJURIES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: The intention to apply in Federal Motor Vehicle Safety Standard No. 208 rulemaking additional injury criteria in order to prevent facial lacerations, neck injury, knee shear, tibia, and ankle trauma was announced in Notice 39 Docket 74-14. The final rule (Notice 40) stated that the agency will issue another Notice on the additional injury criteria to gain additional information about the potential effects of adopting these criteria. Alternatives and potential costs were addressed in Notice 39.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC12

1876. FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) NO. 205, GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: The Taliq Corporation of Sunnyvale, CA, petitioned the agency to create a new category of glass-plastic glazing, AS-15. This proposed glazing

would consist of a layer of tempered glass and a layer of plastic with the tempered glass layer on the outside surface when installed in the vehicle. This glazing would be permitted only in vehicle locations not requisite for driving visibility. The merits of the petition are being considered.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC38

1877. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208 - OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 208 requires safety belt systems in the front outboard seating positions of passenger cars to adjust automatically by means of emergency locking retractors. Horkey and Associates petitioned the agency to prohibit the use of emergency locking retractors as it is alleged they do not provide adequate protection against occupant rebound in rear impacts. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC57

1878. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.301

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 301 specifies requirements for the integrity and security of vehicle's entire fuel system, including the fuel tank, fuel pump, lines and connections in front and rear, or lateral barrier impact tests; also fuel loss must not exceed one ounce per minute in a static rollover test following these barrier crash tests as well as not exceeding these limits after and incidental to the crash tests. Thomas Feahney petitioned the agency to amend the Standard to include simple functional testing to assure performance equivalent to fuel systems made of high density polyethylene. The petition was granted and an ANPRM requested comments.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/89	54 FR 9855
ANPRM Comment Period End	05/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC58

1879. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT - PROPOSED AMENDMENT TO PERMIT THE 9007 BULB FOR HEADLAMPS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 552; 49 CFR 571.108

Legal Deadline: None

Abstract: Ford has petitioned to allow Federal Motor Vehicle Safety Standard No. 108 to be amended to permit a new replaceable bulb design for headlamps and replacement use. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC59

1880. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Sylvania has petitioned National Highway Traffic Safety Administration to amend Federal Motor Vehicle Safety Standard No. 108 to permit a new multiple lamp headlamp system with integral aim capability. The petition is under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph J. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC61

DOT—NHTSA

Prerule Stage

1881. BRAKE LINING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Petitions from R. Grabowsky and American Trucking Association (ATA) requesting initiation of rulemaking concerning brake linings (all vehicles and aftermarket). Mr. Grabowsky petitioned relative to stability, friction level, fade, wear, and identification of linings. ATA petitioned relative to friction level and identification of linings for heavy vehicles only. Petitions concerned both performance levels and test procedures, and are presently under consideration.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC66

1882. BATTERY EXPLOSIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: Petition to provide protection against battery explosions by providing a plastic barrier attached to battery has been received from Dr. Abraham. Ongoing analysis will determine the magnitude of the problem and benefits and costs of possible corrective actions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC67

1883. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A petition is being considered which requests an amendment to introduce a new definition for the term "optically combined" concerning lamps.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC77

1884. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 120, TIRE SELECTION AND RIMS FOR VEHICLES OTHER THAN PASSENGER CARS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.120

Legal Deadline: None

Abstract: The agency has received a petition from Redco Corporation for amendment to the standard, to require that labels be placed on vehicles to instruct service personnel on the proper methods of servicing multi-piece wheel rims.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC79

1885. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 121, AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: Wabco has petitioned the agency to amend the standard to allow the use of a supplemental electrical connector instead of the stop lamp circuit to power the antilock brake system on air-braked trailers. The petitioner believes the use of a supplemental connector would provide better performance and protection against system malfunctions.

Timetable:

Action	Date	FR Cite
Petition Granted by Letter	03/17/88	
Request for Comments	10/12/88	53 FR 39751

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC80

1886. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 121, AIR-BRAKE SYSTEMS

Significance: Nonsignificant

DOT—NHTSA

Prerule Stage

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: The Truck Trailer Manufacturers Association has petitioned the agency to amend the standard to remove extendable and drop frame container chassis from the partial exclusions applying to heavy hauler trailers. The petitioner believes that the reasons for excluding heavy hauler trailers from certain requirements of the standard do not apply in the case of container chassis.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC81

1887. ● ESTABLISH A STANDARD FOR SAFE ENTRY AND EXIT REQUIREMENTS FOR COMMERCIAL VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: The International Brotherhood of Teamsters has petitioned the agency to commence rulemaking to establish safe entry and exit requirements for commercial vehicles. The Teamsters urged that such requirements are necessary to combat frequent injuries to professional drivers from slipping and falling.

Timetable:

Action	Date	FR Cite
Petition Granted	07/03/80	45 FR 45336

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC, 202 366-0842

RIN: 2127–AC82

1888. ● TRACTOR-TRAILER FIFTH WHEEL; FALSE LATCHING

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: The petitioner claims that it is possible to "high-hitch" or false latch the fifth wheel and the kingpin when connecting a trailer to the towing tractor. (The fifth wheel is the coupling unit on the tractor that allows the unit to be joined and towed through a wide range of articulation.) Petitioner requested the agency to write a standard that would not allow false latching of the tractor trailer fifth wheel. The action is a request for information on separation of tractor trailers, availability of accident data, information of the cost of changing the present designs, and performance tests should a standard be considered.

Timetable:

Action	Date	FR Cite
Request for Comments and Petition Granted	08/18/88	53 FR 31378

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This project is being considered jointly with FHWA, although NHTSA is responsible for compiling the information received.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC83

1889. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208, OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This action responds to petitions for reconsideration that were received on the recent final rule on medium and heavy vehicle seat belts. The final rule enhanced the comfort and convenience of safety belts on vehicles over 10,000 pounds gross vehicle weight rating (07/06/88: 53 FR 25337).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC86

1890. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 213, CHILD SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Legal Deadline: None

Abstract: This action responds to a petition to amend the standard to provide specific requirements for restraints to be used by newborn and very small children.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety

DOT—NHTSA **Prerule Stage**

Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC87

1891. ● PEDESTRIAN HEAD-PROTECTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child head injuries through modification of the vehicle hood structure.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC90

1892. ● FEDERAL MOTOR VEHICLE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2001; 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 541

Legal Deadline: Other, Statutory, October 24, 1990.
The Motor Vehicle Information and Cost Savings Act (P.L. 98-547) requires a Report to Congress five years after promulgation of the Federal Motor Vehicle Theft Prevention Standard.

Abstract: This standard, which applies to passenger cars, requires identifying numbers or symbols to be placed on major parts of high theft passenger motor vehicles. A comprehensive evaluation will be performed to determine the effectiveness of the regulation in reducing the incidence of motor vehicle thefts and to estimate the costs of manufacturing and applying the identifying information. The evaluation of the regulation is required by the Motor Vehicle Information and Cost Savings Act and calls for a Report to Congress five years after promulgation of the standard.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/86	
End Review	10/24/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC92

1893. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 202, HEAD RESTRAINTS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None

Abstract: This standard, which is applicable to passenger cars, includes requirements for head restraints. Its purpose is to protect occupants from neck injury in rear-impact crashes. A comprehensive evaluation was published in February 1982. The evaluation will be updated with new cost information and extensive accident data that have become available in recent years. The regulation was selected for review because of costs, safety benefits, and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/88	
End Review	06/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC93

1894. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 105, HYDRAULIC BRAKE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: This standard regulates the performance of antilock brake systems for passenger cars and other vehicles with hydraulic brakes. The purpose of antilock brakes is to enhance the driver's control of the vehicle during emergency braking. Antilock brakes are currently available on some passenger cars. The standard, at this time, does not require them for all cars. The regulation was selected for review because of public interest in the costs and benefits of antilock brakes.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/88	
End Review	12/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AC94

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA) **Proposed Rule Stage**

1895. + COMMERCIAL VEHICLE CONSPICUITY

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Proposed actions would improve the conspicuity of commercial

vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405
ANPRM Comment Period End	08/25/80	45 FR 35405
Request for Comments	09/18/87	52 FR 35345
Comment Period End	11/09/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: Docket No. 80-9.

Research underway.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1537**

RIN: 2127–AA12

1896. + SIDE-IMPACT PROTECTION, HEAD/NECK PROTECTION, AND OCCUPANT EJECTION MITIGATION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201; 49 CFR 571.205; 49 CFR 571.206; 49 CFR 571.214

Legal Deadline: None

Abstract: Contemplated action proposes amending the current standard to include head/neck protection and to mitigate ejection through side windows and doors.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31712
ANPRM Comment Period End	10/18/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB85

1897. + LIGHTING SIMPLIFICATION--POTENTIAL AMENDMENTS ON LONG-TERM ISSUES TO SIMPLIFY FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108 LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: NHTSA proposes a comprehensive review of headlighting requirements of FMVSS No. 108 which may be simplified, while being consistent with motor-vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the first of these, which is the feasibility of a standard directed toward onboard original-equipment headlighting performance rather than toward performance of individual aftermarket headlamps in a laboratory environment. This action is considered significant because of safety implications. Based on comments received, a second NPRM will be issued.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	10/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	
SNPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 12/29/87 (52 FR 49038)

Additional Information: Docket No. 85-15, Notice 1.

Docket No. 85-15, Notice 2. Federal Register Notice (51 FR 1542) extended comments period from a closing date of Jan. 21, 1986 to March 6, 1986.

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB87

1898. + POST 1991 LIGHT TRUCK FUEL ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Legal Deadline: Final, Statutory, March 31, 1990.
Light truck fuel economy standards are required to be set at least 18 months prior to the beginning of the Model Year.

Abstract: In accordance with the mandatory requirements of Section 502(b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking will establish light truck average fuel economy standards for Model Year 1992 and later years.

Timetable:

Action	Date	FR Cite
NPRM	08/31/89	
NPRM Comment Period End	10/31/89	
Final Action	03/31/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AC51

1899. + HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Significance: Agency Priority

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Legal Deadline: None

Abstract: Proposed action would establish a new brake standard for all trucks, buses, and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as antilock systems, automatic brake adjustors, load-sensing proportioning values, air driers, and retarders for heavy trucks, buses, and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA00

1900. + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 302, FLAMMABILITY OF INTERIOR MATERIALS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.302

Legal Deadline: None

Abstract: Advance Notice of Proposed Rulemaking requested comments regarding possible upgrade of Standard to reduce the risk of fire to school bus occupants. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44627
ANPRM Comment Period End	01/03/89	53 FR 44627

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA44

1901. + HEAVY TRAILER STABILITY

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	49 FR 21551

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: To Be Determined

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force was formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task-force analysis.

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB42

1902. + SIDE-IMPACT PROTECTION – LIGHT TRUCKS, VANS, AND MULTIPURPOSE PASSENGER VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 1.50

Legal Deadline: None

Abstract: The purpose of this advance notice is to announce that the NHTSA is considering the proposal of requirements for light trucks, vans, and multipurpose passenger vehicles intended to reduce the risk of fatalities and injuries in side impacts and other crashes where the side protection of the vehicle is a relevant factor, and to request comments to assist the agency in developing the proposal. The contemplated requirements would be part of the agency's efforts to address the serious problem of side impacts. As another part of those efforts, the agency earlier this year proposed requirements for passenger cars intended to reduce the risk of injuries to the thorax and pelvis in side impact crashes between vehicles. This rulemaking is considered significant because of the public safety implications.

DOT—NHTSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31716
Comment Period Extension Denied	09/27/88	53 FR 37615
Comment Period Extension Denied	10/17/88	53 FR 40462
ANPRM Comment Period End	10/18/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 7th Street, S.W., Washington, DC 20590, 202 366-0842

RIN: 2127–AC43

1903. ● + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 217, BUS WINDOW RETENTION AND RELEASE

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.217

Legal Deadline: None

Abstract: This Advance Notice of Proposed Rulemaking requests comments regarding possible upgrade of the standard to increase the minimum number of emergency exits on school buses. This is a significant rulemaking action because it concerns a matter of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	11/04/88	53 FR 44623
ANPRM Comment Period End	01/03/89	53 FR 44623

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC88

1904. PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

Significance: Nonsignificant

Legal Authority: 42 USC 4321 et seq (National Environmental Policy Act-NEPA)

CFR Citation: 49 CFR 520

Legal Deadline: None

Abstract: NHTSA's regulation will be reviewed and reissued, as necessary, where it conflicts with or is duplicative of the regulations of Council on Environmental Quality (CEQ), 40 CFR Parts 1500-1508, and with DOT Order 5610.1C, each of which implements the National Environmental Policy Act (NEPA), 42 USC 4321, et seq.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen C. DeMeter, Ass't Chief Counsel for General Law, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1834

RIN: 2127–AB79

1905. VOLUNTARY VEHICLE IDENTIFICATION STANDARD (THEFT PREVENTION STANDARD)

Significance: Nonsignificant

Legal Authority: 15 USC 2033

CFR Citation: 49 CFR Not yet determined

Legal Deadline: None

Abstract: NHTSA will promulgate a voluntary vehicle identification standard under which any person may elect to inscribe or affix an identifying number or symbol on major parts of any motor vehicle manufactured or owned by such person for purposes of section 511 of Title 18, United States Code, and related provisions. Compliance with this standard shall not relieve any manufacturer of motor vehicles from compliance with the requirements of the Federal motor vehicle theft prevention standard (49 CFR Part 541), or any other applicable regulation. This rulemaking supplements the statutory requirement of 15 USC 2033 by allowing consumers to protect their vehicles and parts by identifying them.

Timetable:

Action	Date	FR Cite
NPRM	10/15/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/15/89

Agency Contact: Barbara Kurtz, Senior Program Analyst, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh St., SW, Washington, DC 20590, 202 366-4808

RIN: 2127–AB93

1906. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would update the specifications of Part 572 covering the three-year-old child dummy to allow optional use of new accelerometers and a new head design.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB94

DOT—NHTSA

Proposed Rule Stage

1907. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: This action would add the specifications covering the 6-year-old-child/test dummy to Part 572 to allow its use in evaluation of child restraints designated for older children.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 05/00/89

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC09

1908. ANTHROPOMORPHIC TEST DUMMIES REPRESENTING CHILDREN

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would add the specification covering the 9-month-old-child test dummy to Part 572 to allow its use in evaluation of restraints designated for infants and small toddlers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC10

1909. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 205, GLAZING MATERIALS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Legal Deadline: None

Abstract: Based on a petition, this action would amend the FMV Safety Standard No. 205, Glazing Materials, to revise the ball drop test No. 26 to allow clamping of glass-plastic samples. NHTSA is evaluating the petitions.

Timetable:

Action	Date	FR Cite
NPRM	06/16/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC14

1910. NEW NON-PNEUMATIC TIRES FOR PASSENGER CARS, TIRE SELECTION, AND RIMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.110; 49 CFR 571.129

Legal Deadline: None

Abstract: Based on a petition, the agency is proposing an amendment to Federal Motor Vehicle Safety Standard No. 110, Tire Selection and Rims - Passenger Cars, to allow temporary use of non-pneumatic spare tires and establish performance requirements for them in a new Federal Motor Vehicle Safety Standard No. 129, Non-Pneumatic Tires for Passenger Cars.

Timetable:

Action	Date	FR Cite
Request for Comments	09/23/87	52 FR 35740
Comment Period End	12/22/87	
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Additional Information: Former title: Non-Pneumatic Tires for Passenger Cars.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC18

1911. FEDERAL MOTOR-VEHICLE SAFETY STANDARD NO. 221, SCHOOLBUS BODY JOINT STRENGTH

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.221

Legal Deadline: None

Abstract: ANPRM requested comments on three items, all related to FMVSS No. 221 Schoolbus Body Joint Strength. These are: (a) possible new standard requiring minimum floor strength for large school buses over 10,000 lbs. GVWR, (b) revision of exemption provision for maintenance access panels, and (c) revision of test procedures of FMVSS No. 221.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/87	52 FR 23314
ANPRM Comment Period End	08/03/87	52 FR 23314
Comment Period Extended to to 10/15/87	08/12/87	52 FR 29873
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC19

1912. BUMPER STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581

Legal Deadline: None

Abstract: Subaru of America has petitioned to modify the test conditions for bumper compliance testing so that vehicles with variable height suspension would be tested at the normal, unraised height position. This action will consider the arguments set forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action on this petition is awaiting disposition of a petition on vehicle classification.

Agency Contact: Orron E. Kee, Chief, Motor Vehicle Requirements Divison, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC30

1913. FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) NO. 208, OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Motor Vehicle Manufacturer's Association (MVMA) petitioned to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection, to require that height-adjustable seats, and other adjustable seat features such as lumbar supports, be placed in the nominal design riding position specified by the manufacturer. A notice has been published, requesting comments.

Timetable:

Action	Date	FR Cite
Request for comments	05/02/88	53 FR 15576

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC36

1914. ● ODOMETER DISCLOSURE REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 15 USC 1981

CFR Citation: 49 CFR 580

Legal Deadline: None

Abstract: This final rule amends the provisions of the odometer disclosure regulation that require the transferor of a motor vehicle to disclose to his transferee, in writing, information concerning the odometer reading. This change should help minimize the costs of the transition to the new disclosure forms required after April 29, 1989. It shall remain in effect until April 29, 1989.

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 2171
NPRM Comment Period End	01/30/89	
Final Rule	02/23/89	54 FR 7772
Grant of Extensions of Time	03/02/89	54 FR 8747
NPRM	03/08/89	54 FR 9858
Interim Final Rule	03/08/89	54 FR 9809
Denial of Petitions for Reconsideration	03/08/89	54 FR 9816
SNPRM	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/89

Additional Information: This action will amend the final rule issued 08/05/88 (53 FR 29464).

Agency Contact: Judith S. Kaleta, Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, DOT/NHTSA, 400 Seventh Street, SW, Room 5219, Washington, DC 20590, 202 366-1834

RIN: 2127–AC42

1915. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 118 - POWER-OPERATED WINDOW SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1409

CFR Citation: 49 CFR 571.118

Legal Deadline: None

Abstract: Amendments are proposed to Federal Motor Vehicle Safety Standard No. 118 to extend the standard's requirements to power-operated sunroofs and either permitting external non-key locking systems to operate power windows and sunroofs or prohibiting all external operating systems.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This project has been separated from RIN 2127-AC25, entitled: Power-Operated Window Systems, which was a completed action 6/24/88 (53 FR 23766).

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC52

DOT—NHTSA

Proposed Rule Stage

1916. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 106 - BRAKE HOSES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.106

Legal Deadline: None

Abstract: Volvo-White Truck Corporation petitioned to amend Federal Motor Vehicle Safety Standard No. 106 to change the definition of permanently attached end fitting to include fittings that are attached by permanent methods other than crimping or swaging. The petition is being considered.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Dirctor, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC55

1917. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT - PROPOSED AMENDMENT TO PERMIT A NEW, SMALL, SEALED-BEAM HEADLAMP

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 552; 49 CFR 571.108

Legal Deadline: None

Abstract: General Motors petitioned the agency for a 55X135 mm sealed-beam headlamp system. The petition is under consideration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC60

1918. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Significance: Nonsignificant

Legal Authority: 15 USC 1407; 15 USC 1410

CFR Citation: 49 CFR 552; 49 CFR 571

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard (FMVSS) No. 301 specifies requirements for the integrity of motor vehicle fuel systems so that fires that result from fuel spillage during and after motor vehicle crashes may be reduced. This standard applies to passenger cars and school buses, and to multipurpose passenger vehicles, trucks, and buses that have a gross vehicle weight rating of 10,000 pounds or less. The California Highway Patrol (CHP) petitioned the agency to specify requirements in FMVSS No. 301 to reduce fuel spills from the fuel tank or fuel lines on heavy trucks and truck tractors over 10,000 pounds. The fuel spills, according to the CHP, are due to damage caused by road debris. On May 2, 1988, the agency published a grant of petition for rulemaking in the Federal Register for the CHP petition. However, the agency is granting the petition pending the results of its forthcoming investigation of fuel-tank fires in over-the-road trucks.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC62

1919. COMPREHENSIVE REVIEW OF VISIBILITY TOPICS

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.111; 49 CFR 571.219

Legal Deadline: None

Abstract: As a result of requests for interpretation for head-up displays and other devices which affect driver visibility through vehicle windows, the agency is conducting a comprehensive review of visibility research.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC69

1920. ● CONFIDENTIAL BUSINESS INFORMATION

Significance: Nonsignificant

Legal Authority: 15 USC 1401; 15 USC 1402; 15 USC 1407; 15 USC 1418; 15 USC 1914; 15 USC 1944; 15 USC 1990d; 15 USC 2005; 15 USC 2029; 15 USC 322; 15 USC 552

CFR Citation: 49 CFR 512

Legal Deadline: None

Abstract: Revisions to the existing regulation are necessary to ensure efficient processing of business information received by the National Highway Safety Administration pursuant to Exemption 4 of the Freedom of Information Act. This action is intended to clarify certain provisions, to revise certain sections to conform to statutory and case law, to include additional class determinations and to respond to a petition from General Motors Corporation, recommending that the agency consider adding a presumptive class determination.

DOT—NHTSA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	
NPRM Comment Period End	05/31/89	
Final Action	08/15/89	
Final Action Effective	09/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Fox, Attorney Advisor, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1834

RIN: 2127–AC95

1921. ● REGISTERED IMPORTERS OF NONCONFORMING VEHICLES

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 592 (New)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action implements those provisions of PL 100-562 that will restrict importation of nonconforming vehicles, not otherwise exempted, to persons who have registered with the Department as undertaking to provide certification that the vehicles have been conformed after entry, or to persons who have contracted with importers registered with the Department to undertake conformance work, by establishing the requirements for obtaining and maintaining registration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC, 202 366-5263

RIN: 2127–AC97

1922. ● SCHEDULE OF FEES AUTHORIZED BY THE IMPORTED VEHICLE SAFETY COMPLIANCE ACT

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 594 (New)

Legal Deadline: Final, Statutory, September 30, 1989.

Abstract: The Act requires NHTSA to establish different fees concerning the importation of motor vehicles into the United States. NHTSA will be establishing fees relating to the administration of the registered importer program, fees to cover costs associated with the agency's determination whether a motor vehicle is eligible for importation into the United States, and fees to allow reimbursement of the U.S. Customs Service for costs incurred in processing the bond that is required when certain nonconforming vehicles are imported.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AC98

1923. ● NONCONFORMING VEHICLES: ELIGIBILITY FOR IMPORTATION

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 593, (new)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action will implement provisions of PL 100-562 that restrict importation of vehicles not certified as meeting Federal Motor Vehicle Safety Standards to those which NHTSA has determined in fact conform, or can be modified to conform, with such standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AC99

1924. ● IMPORTATION OF VEHICLES AND EQUIPMENT SUBJECT TO FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Significance: Nonsignificant

Legal Authority: PL 100-562 The Imported Vehicle Safety Compliance Act of 1988

CFR Citation: 49 CFR 591 (new)

Legal Deadline: Final, Statutory, October 31, 1989.

Abstract: This action would implement those provisions of PL 100-562 that modify the existing procedures applicable to the importation into the United States of motor vehicles and equipment subject to the Federal Motor Vehicle Safety Standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Taylor Vinson, Attorney, Department of Transportation, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, SW., Washington, DC 20590, 202 366-5263

RIN: 2127–AD00

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Final Rule Stage

1925. + CRASHWORTHINESS RATINGS

Significance: Regulatory Program

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Legal Deadline: None

Abstract: This action would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025
Comment Period extended to 10/22/81	04/02/81	46 FR 19947
NPRM Comment Period End	04/22/81	46 FR 7025

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Draft Regulatory Evaluation 01/22/81 (46 FR 7025)

Additional Information: Docket No. 79-17. NPRM, Notice 1.

Agency Contact: Marilynne Jacobs, Director, Office, Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1740**

RIN: 2127–AA03

1926. + TRUCK REAR UNDERRIDE PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would require protective devices to reduce vehicle penetration under the rear ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136
NPRM Comment Period End	04/08/81	46 FR 2136

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA43

1927. + PEDESTRIAN PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This proposal would reduce adult and child pedestrian injuries through modification of the vehicle frontal structure.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015
NPRM Comment Period End	05/22/81	46 FR 7015

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA45

1928. + ANTHROPOMORPHIC TEST DUMMIES: SIDE-IMPACT THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 572

Legal Deadline: None

Abstract: Contemplated action would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2254
Corrections to NPRM	03/17/88	53 FR 8783
NPRM Comment Period End	10/24/88	53 FR 2254

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Preliminary Regulatory Evaluation 01/27/88 (53 FR 2254)

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AA48

1929. + UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Significance: Regulatory Program

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: Contemplated action would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability. This regulation is significant because it involves important departmental policy.

DOT—NHTSA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	01/19/89	54 FR 2167
NPRM Comment Period End	03/20/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Preliminary Regulatory Evaluation 01/19/89 (54 FR 2167)

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Div., Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AB21

1930. + POST-1988 PASSENGER-CAR FUEL-ECONOMY STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Legal Deadline: Final, Statutory, October 1, 1988.
Amendments reducing the fuel economy standard for a particular model year are required to be made by the beginning of a model year.

Abstract: Automotive Importers of America, Inc., Austin Rover Group Ltd., Mercedes-Benz of North America, Inc., Competitive Enterprise Institute, and General Motors Corporation petitioned to lower passenger car Corporate Average Fuel Economy (CAFE) standards for Model Years 1989 and 1990. The March 1988 ANPRM sought public comment on whether to reduce the CAFE standard for MY 1989 and/or 1990, to determine whether retaining the present standard would adversely affect U.S. employment or competitiveness of the U.S. auto industry.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/88	53 FR 8668
ANPRM Comment Period End	04/11/88	53 FR 8668
NPRM	08/29/88	53 FR 33080
NPRM Comment Period End	09/15/88	53 FR 33080
Final Action for Model Year 1989	10/06/88	53 FR 39275
Final Action for Model Year 1990	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/29/88 (53 FR 33080); Environmental Assessment 08/29/88 (53 FR 33080)

Additional Information: Petitioners had addressed MY 1986 and beyond; MY 1986 through 1988 were covered on 10/06/86 (51 FR 35594). Comment period ended 09/15/88 for MY 1989; comment period ended 10/28/88 for MY 1990.

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Div., Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0846**

RIN: 2127–AB75

1931. + SIDE-IMPACT PROTECTION: THORAX PROTECTION

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Legal Deadline: None

Abstract: NPRM proposes amending the current standard to upgrade thoracic protection in passenger-car side impacts.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2239
NPRM technical correction	03/17/88	53 FR 8782
NPRM Comment Period End	10/24/88	53 FR 2239

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 01/27/88 (53 FR 2239)

Agency Contact: Ralph Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AB86

1932. ● + PART 544, MOTOR VEHICLE THEFT PREVENTION; REPORTING REQUIREMENTS FOR MOTOR VEHICLE RENTAL AND LEASING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 2032

CFR Citation: 49 CFR 544

Legal Deadline: Final, Statutory, October 25, 1989.
Rental and leasing companies who are self-insured are required to report to the agency October 25th of each year.

Abstract: This notice has proposed to require theft reports only from rental and leasing companies with combined fleets of 50,000 or more vehicles. This would result in the largest rental and leasing companies being required to file theft reports, instead of the approximately 4,000 companies currently required to do so. NHTSA has determined that reports from the largest rental and leasing companies would provide the agency with the representative sampling of the theft experience of rental and leasing companies, while reducing an unnecessary burden on smaller such companies.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5519
NPRM Comment Period End	03/20/89	
Final Action	07/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This action proposes amendment to the final rule published 01/02/87 (52 FR 59).

Agency Contact: Barbara Kurtz, Chief, Motor Vehicle Theft Group, NRM-20, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, **202 366-4808**

RIN: 2127–AC32

DOT—NHTSA

Final Rule Stage

1933. + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108 - LIGHTING SIMPLIFICATION - POTENTIAL AMENDMENTS - NEAR-TERM ISSUES

Significance: Regulatory Program

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Proposes a comprehensive review of headlighting requirements of Federal Motor Vehicle Safety Standard No. 108 which may be simplified, while being consistent with motor vehicle safety. The agency has concentrated its efforts into five principal areas. This action addresses the second through the fifth. The second is the desirability of specifications for headlamp life. The third concerns the necessity of dimensional specifications for headlamp equipment. The fourth is the issue of headlamp aim. The fifth is the elimination of obsolete photometric requirements. These issues have been separated from RIN 2127-AB87. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/85	50 FR 42735
ANPRM Comment Period End	03/06/86	51 FR 1542
NPRM	12/29/87	52 FR 49038
NPRM Comment Period End	03/28/88	52 FR 49038
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 85-15, Notice 1 (50 FR 42735) ANPRM; Docket No. 85-15, Notice 2 (50 FR 43970) extend comment period for ANPRM; Docket No. 85-15, Notice 3 (51 FR 2537) correction to ANPRM; Docket No. 85-15, Notice 5 (52 FR 49038) NPRM

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC53

1934. + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 105, HYDRAULIC BRAKE SYSTEM, AND FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 135, PASSENGER-CAR BRAKE SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.135

Legal Deadline: None

Abstract: Action proposes a New Standard No. 135, "Passenger Car Brake System," which would replace Standard No. 105, "Hydraulic Brake System," as it applies to that vehicle type. New Standard would differ from the existing one primarily in that it contains a revised and shortened test procedure based on a draft harmonized international procedure developed by the United Nations Economic Commission for Europe (ECE).This rulemaking is significant because of substantial public interest, which has prompted issuance of a second NPRM.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
Correction to NPRM for RIN AC63	06/20/85	50 FR 25612
Comment Period Extended to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
SNPRM	01/14/87	52 FR 1474
SNPRM Comment Period End	10/13/87	
SECOND SNPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/10/85 (50 FR 19744)

Additional Information: Docket No. 85-06. RIN AC63, Passenger-Car Brake Systems has been consolidated into this rulemaking.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA13

1935. + VEHICLE CLASSIFICATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: In response to a petition for rulemaking, the advance notice invited comment on possible amendments to the regulation with respect to the manner in which light trucks, vans, multipurpose vehicles, and certain other vehicles are classified. The October 17, 1988 Notice of Proposed Rulemaking proposed two alternative vehicle classification approaches for those vehicles now categorized as light trucks, multipurpose passenger vehicles, and passenger cars. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41475
ANPRM Comment Period End	01/18/88	52 FR 41475
NPRM	10/17/88	53 FR 40463
NPRM Comment Period End	01/17/89	53 FR 40463
Interim Final Rule	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 10/17/88 (53 FR 40463)

Agency Contact: Deborah Parker, Special Project Staff, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4931

RIN: 2127–AA57

1936. + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 222; SCHOOLBUS SEATING AND CRASH PROTECTION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.222

DOT—NHTSA

Final Rule Stage

Legal Deadline: None

Abstract: Proposed rule would amend Federal Motor Vehicle Safety Standard No. 222, School Bus Passenger Seating and Crash Protection, to set requirements for safety belts when belts are voluntarily installed on school buses having gross vehicle weight ratings greater than 10,000 pounds. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	10/10/85	50 FR 41368
NPRM Comment Period End	11/25/85	50 FR 41368
Final Action	08/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 10/10/85 (50 FR 41368)

Additional Information: Notice grants a petition for rulemaking submitted by the Wayne Corporation and proposes an amendment to Federal Motor Vehicle Safety Standard No. 222. Previous title: Federal Motor Vehicle Safety Standards; Schoolbus Passenger Seating and Crash Protection.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB84

1937. + FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 208, OCCUPANT CRASH PROTECTION - REAR SEAT LAP/SHOULDER BELTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking requested comments on proposing an amendment to Federal Motor Vehicle Safety Standard No. 208 to require lap/shoulder belts in all forward facing rear outboard seating positions in passenger cars, light trucks, multipurpose passenger vehicles and small buses. This action is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/87	52 FR 22818
ANPRM Comment Period End	07/31/87	52 FR 22818
NPRM	11/29/88	53 FR 47982
NPRM Comment Period End	01/30/89	53 FR 47982
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 11/29/88 (53 FR 47982)

Additional Information: Former title: Occupant Crash Protection.

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10, 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB91

1938. + HEAD RESTRAINTS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Legal Deadline: None

Abstract: This action grants a petition for rulemaking and requests comments on the NPRM's proposal to extend head restraint requirements of Federal Motor Vehicle Safety Standard No. 202 to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less. This issue is considered significant because of the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	12/13/88	53 FR 50047
NPRM Comment Period End	02/13/89	53 FR 50047

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Evaluation 12/13/88 (53 FR 50047)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, NRM-10 400 Seventh St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC06

1939. + STANDARD NO. 108, LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: Volkswagen of America petitioned to change Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment to permit an additional standardized replaceable light source for motor vehicle headlamps. The type of light source proposed was that currently used in European headlamps, the type H-4. Review of the merits of the petition found that, as used in Europe, the light source was not capable of achieving the level of performance required of U.S. light sources and NHTSA subsequently proposed a U.S. version to be known as the type HB2, which would have interchangeability and performance aspects compatible with U.S. safety needs. Comments by the U.S. and foreign lighting and vehicle manufacturers led to a supplemental notice. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/13/85	50 FR 19961
NPRM Comment Period End	06/27/85	50 FR 19961
Supplemental NPRM comment period ended 07/14/86	06/13/86	51 FR 21696

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety

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Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC22

1940. REARVIEW MIRROR SYSTEMS: HEAVY VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Proposal would amend FMVSS No. 111 to improve mirror systems for trucks, buses, and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
NPRM Comment Period End	03/06/79	43 FR 51657

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA21

1941. REARVIEW MIRROR SYSTEMS: LIGHT VEHICLES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: Proposal would amend Federal Motor Vehicle Safety Standard No. 111 to improve mirror systems for trucks, buses, and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
NPRM Comment Period End	03/06/79	43 FR 51657

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA23

1942. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This project would revise the requirements in Standard No. 121 for parking and emergency-brake functions for trailers.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
NPRM Comment Period End	08/24/81	46 FR 37952

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA27

1943. PART 571.3 - DEFINITIONS - SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Legal Deadline: None

Abstract: This project would update the definition of Seating Reference Point.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/82	47 FR 9865
NPRM	06/05/86	51 FR 20536
NPRM Comment Period End	08/04/86	51 FR 20536
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulation Evaluation (Minimal) 06/05/86 (51 FR 20536)

Additional Information: Docket No. 82-05.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA46

1944. REARVIEW MIRRORS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This proposal would amend Federal Motor Vehicle Safety Standard No. 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter-resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. Final Rule to permit use of passenger side convex mirrors published. Final Rule responding to petitions and clarifying 1982 Final Rule published.

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Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 38842

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues not enumerated in the Abstract.

Agency Contact: R. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA88

1945. SEAT-BELT-ASSEMBLY ANCHORAGES

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Legal Deadline: None

Abstract: This action proposes amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	02/03/87	52 FR 3293
NPRM Comment Period End	04/06/87	52 FR 3293
Final Action	05/19/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/03/87 (52 FR 3293)

Agency Contact: R. Hitchcock, Director, Office, Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AA95

1946. AIR-BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Legal Deadline: None

Abstract: This project would amend the brake application and release timing requirements and test devices in Federal Motor Vehicle Safety Standard No. 121 in order to better simulate the real-world performance with respect to towing and towed units, especially multitrailer combinations. Included in the final rule will be an SNPRM initiating additional rulemaking in other phases.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	50 FR 20113
NPRM Comment Period End	06/28/85	50 FR 20113
NPRM Comment Period Extended to 12-30-85	07/01/85	50 FR 27032
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Evaluation (Minimal) 05/14/85 (50 FR 20113)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AB12

1947. GEAR LOCK; THEFT PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.114

Legal Deadline: None

Abstract: This action would amend Federal Motor Vehicle Safety Standard 114 to prevent the inadvertent knocking out of gear of the gear shift lever and potential accidents, injuries and fatalities from vehicles rolling out of control. This amendment is in response to a petition for rulemaking relating to an inadvertent knock-out-of-gear accident resulting in a fatality. In addition, FMVSS 114 is proposed to be amended to insure that, if a steering column locking device is employed, the device cannot be activated until the key is removed and the vehicle must be in park on automatic transmission to remove the key and reverse for manual transmissions.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11105
Comment Period Extended to 07/05/88	05/18/88	53 FR 17732
NPRM Comment Period End	05/20/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Prelim. Regulatory Evaluation 04/05/88 (53 FR 11105)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC24

1948. BUMPER STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 581; 49 CFR 582

Legal Deadline: None

Abstract: Consumers Union has petitioned to restore the bumper-damage criteria to the 1982 protection level of 5mph or, if this is not possible, to require automobile dealers to provide repair cost and insurance premium information related to the bumper systems on the passenger cars that they sell. The agency has completed and published a study on the cost effects and consumer interest in bumper-damageability standards. The agency will now consider the arguments set

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forth in the petition and take appropriate further action.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/15/89

Agency Contact: Orron Kee, Chief, Motor Vehicle Requirements Division, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0846

RIN: 2127–AC29

1949. FMVSS NO. 208 OCCUPANT CRASH PROTECTION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1497

CFR Citation: 49 CFR 571.208

Legal Deadline: None

Abstract: This amendment proposes to extend requirements for Webbing Tension Relieving Devices to include air-bag-equipped cars and to permit testing of adjustable belt-anchorage points at manufacturers' nominal position.

Timetable:

Action	Date	FR Cite
NPRM	07/06/88	53 FR 25354
NPRM Comment Period End	08/22/88	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 07/06/88 (53 FR 25354)

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, 202 366-0842

RIN: 2127–AC49

1950. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 105 - HYDRAULIC BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105

Legal Deadline: None

Abstract: Federal Motor Vehicle Safety Standard No. 105 requires vehicles to have one or more brake system indicator lamps in the instrument panel area, to warn drivers about certain types of brake failure and to indicate when the parking brake is in the applied position. Section S5.3.2 of the standard requires that the brake system indicator lamps be activated automatically when the vehicle is started, to enable the driver to check whether the lamp bulb is burned out. That section also provides that in a vehicle equipped with an automatic transmission, the activation of the lamp as a check of lamp function is not required when the transmission shift lever is in a forward or reverse drive position, since the vehicle cannot be started when the transmission shift lever is in those positions. In response to a petition for rulemaking submitted by Mazda, this notice proposes to amend the standard to provide that the activation of the lamp as a check of lamp function is not required whenever the starting of a vehicle is prevented by an interlock switch.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31379
NPRM Comment Period End	10/17/88	53 FR 31379
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/18/88 (53 FR 31379)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC50

1951. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 102 - TRANSMISSION SHIFT-LEVER SEQUENCE, STARTER INTERLOCK, AND TRANSMISSION BRAKING

Significance: Nonsignificant

Legal Authority: 15 USC 1392

CFR Citation: 49 CFR 571.102

Legal Deadline: None

Abstract: The current stated purpose of Federal Motor Vehicle Safety Standard No. 102 is to reduce the likelihood of shifting errors. Manufacturers have provided a permanently displayed shift lever position indicator to meet the requirement of S3.2 of this Standard. Chrysler and General Motors petitioned the agency to amend the Standard to allow the use of electronic "PRNDL" displays. As the proposed requirements would facilitate the use of electronic displays, while ensuring the information is displayed at all times, an NPRM was issued.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32409
NPRM Comment Period End	10/24/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC54

1952. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 107 - REFLECTING SURFACES - PASSENGER CARS, MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, AND BUSES

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.107

Legal Deadline: None

Abstract: This standard requires that windshield wiper arms inside windshield moldings, horn rings, and frames and brackets of inside rearview mirrors have matte surfaces which will greatly reduce the likelihood of

hazardous reflection into the driver's eyes. A petition has been filed to extend the standard to the above items which are made of non-metallic, as well as metallic, materials.

Timetable:

Action	Date	FR Cite
NPRM	11/13/87	52 FR 43628
NPRM Comment Period End	12/28/87	52 FR 43628
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC, 202 366-0842

RIN: 2127–AC56

1953. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 115 - VEHICLE IDENTIFICATION NUMBER AND PART 567 - CERTIFICATION REGULATION

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1397; 15 USC 1401; 15 USC 1403; 15 USC 1407; 15 USC 1912; 15 USC 1915; 15 USC 2022; 15 USC 2026; 15 USC 2120

CFR Citation: 49 CFR 571.115; 49 CFR 567

Legal Deadline: None

Abstract: The agency proposed to amend Federal Motor Vehicle Safety Standard No. 115 and Part 567 with regard to vehicles not originally manufactured for sale in the United States and that do not comply with Federal motor vehicle safety standards, but that are imported into this country by businesses unaffiliated with the original manufacturer. These vehicles often are labelled with "homemade" 17 digit Vehicle Identification Numbers (VIN). Under the proposal, the importer would label the vehicle partially exempt from Standard No. 115 and direct interested parties to the location of the original manufacturers's number to be used in lieu of the VIN. The agency is taking this action in response to a petition from the National Automobile Theft Bureau (NATB).

Timetable:

Action	Date	FR Cite
NPRM	05/13/88	53 FR 17088
NPRM Comment Period End	06/27/88	53 FR 17088
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC65

1954. FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 108 - LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Significance: Nonsignificant

Legal Authority: 15 USC 1407

CFR Citation: 49 CFR 571.108

Legal Deadline: None

Abstract: A petition from Truck Safety Equipment Institute (TSEI) primarily requested NHTSA to update references in Federal Motor Vehicle Safety Standard No. 108 to latest version of Society of Automotive Engineers (SAE) standards for stoplamps and turn signal lamps. The NPRM proposed to incorporate by reference the current SAE standards.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35097
NPRM Comment Period End	10/24/88	53 FR 35097
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/09/88 (53 FR 35097)

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC68

1955. CONSUMER INFORMATION REGULATIONS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1421; 15 USC 1423

CFR Citation: 49 CFR 575

Legal Deadline: None

Abstract: This notice implements the granting of a petition by Motor Voters requesting that NHTSA require motor vehicle manufacturers to include information in their vehicle owner's manual advising owners about the agency's defect authority and providing them with the agency's Auto Safety Hotline. To encourage owners to report defects and to facilitate their doing so, this notice proposes to amend the agency's Consumer Information Regulations to require manufacturers to provide the requested information.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45527
NPRM Comment Period End	12/27/88	53 FR 45527
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 11/10/88 (53 FR 45527)

Agency Contact: Marvin L. Shaw, Attorney, Department of Transportation, National Highway Traffic Safety Administration, NHTSA - NCC-20, 400 7th Street, SW, Washington, DC 20590, 202 366-2992

RIN: 2127–AC72

1956. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 105, HYDRAULIC BRAKE SYSTEMS AND FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 121, AIR BRAKE SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Legal Deadline: None

Abstract: Proposal would amend the standards to require that if a vehicle is equipped with automatic brake adjusters they must be connected

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during burnishing and testing. This amendment is proposed to provide a consistent procedure for the two standards.

Timetable:

Action	Date	FR Cite
NPRM	06/27/83	48 FR 29560
NPRM Comment Period End	08/26/83	48 FR 29560
Final Action	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC76

1957. ● FINAL LISTING OF HIGH THEFT LINES FOR 1989 MODEL YEAR; MOTOR VEHICLE THEFT PREVENTION STANDARD

Significance: Nonsignificant

Legal Authority: 15 USC 2021 to 2026

CFR Citation: 49 CFR 541

Legal Deadline: None

Abstract: The purpose of this notice is to report the results of this agency's actions for determining which car lines are subject to the marking requirements of the motor vehicle theft prevention standard for the 1989 model year, and publish a list of those car lines. NHTSA has previously published a list of the car lines that were selected as high theft car lines for prior model years, beginning with the 1987 model year. The list in this notice includes all of the car lines in the previous lists, as well as the new lines that were introduced for the 1989 model year and that have been selected as likely high theft lines. This notice is revised yearly (each model year). This notice is used by other Federal agencies in carrying out the statutory requirements under Titles II and III. Title II is Antifencing Measures, 18 USC 511, and Title III is Importation and Exportation Measures, 18 USC 553 and 19 USC 1627.

Timetable:

Action	Date	FR Cite
Final Action	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barbara Kurtz, Chief, Motor Vehicle Theft Group, Department of Transportation, National Highway Traffic Safety Administration, NRM-20, 400 Seventh Street SW., Washington, DC 20590, 202 366-4807

RIN: 2127–AC96

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions

1958. + VOLUNTARY TIRE REGISTRATION

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Legal Deadline: None

Abstract: This proposed action was considered significant because of possibly substantial public interest. However, after considering the comments received, NHTSA determined that implementation of any of the ANPRM's suggested steps would not increase the level of registration under the program. Therefore, the proposed rule was withdrawn.

Timetable:

Action	Date	FR Cite
Prelim. Evaluation Report Published	09/27/85	50 FR 188
ANPRM	12/23/86	51 FR 45916
ANPRM Comment Period End	02/06/87	51 FR 45916
Withdrawn	11/04/88	53 FR 44632
End Review	11/04/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1574

RIN: 2127–AB18

1959. + FEDERAL MOTOR VEHICLE SAFETY STANDARD (FMVSS) NO. 208, OCCUPANT CRASH PROTECTION - CHEST INJURY CRITERIA

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Legal Deadline: Other, Statutory, September 1, 1990.
Final rule requires resolution by 09/01/90.

Abstract: The intention is to upgrade the chest-deflection injury criteria for unrestrained occupants when vehicles are tested for Federal Motor Vehicle Safety Standard (FMVSS) No. 208 compliance with the Hybrid III Dummy. The Final Rule stated that the agency will have to resolve this issue by September 1, 1990. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Consolidated into RIN 2127-AC13	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St., SW, Washington, DC 20590, 202 366-0842

RIN: 2127–AC34

1960. + PASSENGER-CAR BRAKE SYSTEMS

Significance: Agency Priority

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1403; 15 USC 1407

CFR Citation: 49 CFR 571.135

Legal Deadline: None

Abstract: New regulation to replace Federal Motor Vehicle Safety Standard

No. 105, Hydraulic Brake Systems, as it applies to passenger cars. This new regulation will be harmonized with a corresponding new regulation to be issued by Economic Commission for Europe. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/10/85	50 FR 19744
CORRECTION	06/20/85	50 FR 25612
Extended Comment Period to 01/13/86	09/17/85	50 FR 37702
NPRM Comment Period End	10/07/85	50 FR 19744
Consolidated into RIN 2127-AA13	01/14/87	52 FR 1474

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 7th St, SW, Washington, DC 20950, **202 366-0842**

RIN: 2127–AC63

1961. REVIEW: SEATING SYSTEMS

Significance: Nonsignificant

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407

CFR Citation: 49 CFR 571.207

Legal Deadline: None

Abstract: This regulation was selected for review because of costs. Results of this review are contained in the docket.

Timetable:

Action	Date	FR Cite
Begin Review	05/01/86	
Preliminary evaluation report published	02/10/87	52 FR 4818
End Review	10/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-1574**

RIN: 2127–AA69

1962. FEDERAL MOTOR VEHICLE SAFETY STANDARD – REAR-VIEW MIRRORS - SURE-VIEW PETITION

Significance: Nonsignificant

Legal Authority: 15 USC 1381 et. seq.

CFR Citation: 49 CFR 571.111

Legal Deadline: None

Abstract: This is in response to a petition from Sure-View Inc., requesting the Federal Motor Vehicle Safety Standard (FMVSS) No. 111 require that all motor vehicles contain a mirror system in which a plane mirror is in the same casing as a convex mirror. Petition was denied because the standard does not prohibit convex mirrors on the driver's side as supplementary aids or on the passenger's side. Also, NHTSA was concerned that convex mirrors may distort images and distances and, therefore, may not be appropriate for all drivers.

Timetable:

Action	Date	FR Cite
Final Action Petition denied	11/08/88	53 FR 45128
Second petition denied	03/17/89	54 FR 11251

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Sure-View petitioned for reconsideration of the denial, which was treated as a second petition for rulemaking since, under the regulations, denial of a petition for rulemaking is not a rule and, hence, reconsideration petitions do not apply. The second petition was denied for the same reasons as for the original petition.

Agency Contact: Ralph Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-0842**

RIN: 2127–AC46

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Prerule Stage

1963. + REVIEW OF RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Legal Deadline: None

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication. This review is considered significant because of public-safety considerations.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	11/04/86	51 FR 40101
Public Hearing, Washington, DC	01/27/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-0897**

RIN: 2130–AA34

1964. REVIEW: REGULATORY FLEXIBILITY ACT REVIEWS

Significance: Nonsignificant

Legal Authority: PL 96-354

CFR Citation: None

Legal Deadline: None

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register

DOT—FRA **Prerule Stage**

on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence L. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA10

1965. REVIEW OF LOCOMOTIVE CAB SAFETY

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Legal Deadline: None

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomotive cabs.

Timetable:

Action	Date	FR Cite
Notice of Safety Inquiry	09/22/88	53 FR 36936

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA32

1966. REVIEW: SPECIAL SAFETY INQUIRY; POWER BRAKE REGULATIONS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232

Legal Deadline: None

Abstract: The inquiry will obtain information to assist in evaluation of the impact of the change in the power brake regulations made in August 1982 in Docket PB-6.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	09/03/85	50 FR 35643
Notice of Change of Hearing Date	09/26/85	50 FR 39025
Public Hearing, Washington, D.C.	10/24/85	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket RSSI-85-1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130-AA40

1967. INTERIOR NOISE STANDARDS FOR ON-TRACK SLEEPING QUARTERS

Significance: Nonsignificant

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 228

Legal Deadline: None

Abstract: FRA's interpretive guidance concerning compliance with an hours-of-service statute will be extended by operation of law unless FRA acts within 6 months. FRA guidelines specify a maximum noise level for the interior of facilities used to give train crews required periods of rest under the Hours of Service Act. The statute will make the noise level applicable to on-track vehicles used as dormitories for other railroad employees unless FRA alters its guidance on this matter for the on-track vehicles. Issues that need to be examined include the appropriateness of the current guidance in the expanded context, and the availability of reasonable alternatives.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: MaryJo Spottswood, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130-AA52

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Proposed Rule Stage

1968. + RAIL-HIGHWAY GRADE-CROSSING SAFETY

Significance: Agency Priority

Legal Authority: 45 USC 431; 45 USC 437; PL 100-432

CFR Citation: None

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: If necessary, rules on the inspection and maintenance of train-activated railroad-highway grade-crossing devices must be issued. An ANPRM announced public hearings and requested comments from the public to assist in evaluating future possible courses of action to enhance public safety at railroad-highway grade crossings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Notice of Special Safety Inquiry	12/24/84	49 FR 49961

DOT—FRA **Proposed Rule Stage**

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47554
Comment Period Extended to 01/17/89	01/03/89	54 FR 49
ANPRM Comment Period End	01/04/89	
Comment Period Extended to 02/01/89	01/30/89	54 FR 4320

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Docket No. RSSI - 84-3.

A related project, RIN AB45, has been consolidated into this proceeding.

Public hearings were held in St. Paul, Minn. (7/84) and Washington, DC (1/85). The Summary Report on the hearings was issued 7/16/85. A further public hearing was held in Washington, DC (12/88).

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA27

1969. + JURISDICTIONAL CONFORMITY AMENDMENTS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 229; 49 CFR 231; 49 CFR 232

Legal Deadline: None

Abstract: FRA is amending three of its older safety regulations to conform their applicability provisions to statutory changes. The older statutes and rules describe their applicability in terms of "common carrier by rail subject to the Interstate Commerce Act" until they were amended to use the more common word "railroad". This action is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/03/89

Agency Contact: Mark Tessler, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA50

1970. + LOCOMOTIVE OPERATOR; QUALIFICATION STANDARDS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: FRA is required to adopt qualification standards for locomotive operators. Major elements that could be included in such standards involve initial training, retraining, performance monitoring, testing and retesting, and general fitness criteria. Issues being explored include the structure of the program to resolve questions of whether a Federal license program or a railroad licensing program meeting Federal criteria will best achieve the statutory intent. This rulemaking is significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	04/04/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 04/04/89

Agency Contact: Lawrence I. Wagner, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh, St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA51

1971. + TRAIN OPERATION EVENT RECORDERS

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, December 22, 1989.

Abstract: FRA is required to issue necessary rules to provide for the recording of events relating to train operations and to ensure that devices recording those events are tamper-resistant. Aspects of the issue being explored include: determining the state of the art for such devices; the recordable events appropriate for accident investigation purposes; standards for "tamper resistance"; and regulatory structure. This project is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM	11/23/88	53 FR 47557
Public Hearing Held 01/10/89	11/23/88	53 FR 47557
ANPRM Comment Period End	03/13/89	
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/00/89

Agency Contact: Edwards R. English, Chief, Maintenance Program Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9178

RIN: 2130–AA53

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Final Rule Stage

1972. + RAILROAD ACCIDENT/INCIDENT REPORTS CLASSIFICATION AND NOTIFICATION OF RIGHT TO SUBMIT EMPLOYEE SUPPLEMENTS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: This project addresses possible problems of bias and inaccuracy in FRA's railroad data base. Although FRA investigates about 400 accidents a year and receives unsolicited information on a few more accidents, FRA's sole source of information on the great majority of railroad accidents is the railroad company itself. The proposed rule would require that the railroad provide written notification to any employee whom the railroad alleges to have caused a certain type of accident, informing the employee of the relevant allegations and of his or her right to file an accident statement with FRA. The proposed rule also would establish the format and filing procedures for such statements. Alternatives being considered are: (1) revising the reporting form itself to include boilerplate language regarding what, where, and how to file the employee statement and (2) requiring a separate notice to the employee with the same information. Potential costs have yet to be determined. This action is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48560
Public Hearing Notice	12/01/88	53 FR 48560
NPRM Comment Period End	01/27/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Former title: Railroad Accident/Incident Reports Classification and Investigations Permitting Employee Supplements.

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9252

RIN: 2130–AA44

1973. + RAILROAD OPERATING PRACTICES – PROTECTION OF ON-TRACK SLEEPING QUARTERS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 218

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: Railroads use on-track equipment adapted for service as mobile sleeping quarters, in order to have large dormitories adjacent to work sites. A recently enacted statute requires FRA to establish rules to protect those vehicles from the risk of being struck by other on-track vehicles. This project is intended to accomplish that purpose and is therefore considered significant.

Timetable:

Action	Date	FR Cite
NPRM	02/17/89	54 FR 7219
NPRM Comment Period End	03/21/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7219)

Additional Information: The NPRM also announced a public hearing in Washington, DC, for 04/05/89.

Agency Contact: J. A. McNally, Director, Office of Safety Enforcement, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9252

RIN: 2130–AA46

1974. + RAILROAD OPERATING PRACTICES; PROCEDURES FOR BRIDGE-WORKER SAFETY

Significance: Agency Priority

Legal Authority: PL 100-342, Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, June 22, 1989.

Abstract: A recently enacted statute requires FRA to issue necessary rules to protect workers performing tasks on bridges. FRA is studying the casualty data, the appropriate types of protection, and the respective roles of FRA and OSHA. This proceeding is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	02/17/89	54 FR 7219
NPRM Comment Period End	03/21/89	
Interim Final Rule	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 02/17/89 (54 FR 7219)

Agency Contact: Edward R. English, Chief, Maintenance Programs Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9186

RIN: 2130–AA43

1975. + SAFETY ENFORCEMENT PROCEDURES; DISQUALIFICATION OF EMPLOYEES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: FRA has been granted legal authority to disqualify an individual railroad employee who is shown to be unfit to perform safety-sensitive functions based on a violation of FRA's safety rules. The procedures that FRA will employ in exercising this authority must include a notice and hearing for the individual. FRA must define what constitutes a safety-sensitive function; the nature of the hearing; appellate review structure; and criteria for what constitutes unfitness. This proceeding is considered significant because of Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/09/88	53 FR 49695
Public Hearing Held 01/05/89	12/09/88	53 FR 49695
NPRM Comment Period End	01/10/89	

DOT—FRA

Final Rule Stage

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/09/88 (53 FR 49695)

Agency Contact: Peter J. Hannums, Trial Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., NW, Washington, DC 20590, 202 366-0637

RIN: 2130–AA49

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions

1976. + INFORMAL SAFETY INQUIRY AND RULEMAKING; CONTROL OF ALCOHOL AND DRUG USE IN RAILROAD OPERATIONS

Significance: Regulatory Program

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 219

Legal Deadline: None

Abstract: The rule addresses: (1) random drug testing, (2) transportation workplace drug testing, and (3) the "no use" rule. It also describes related future activities: (1) preparation of a supplemental NPRM on random drug testing implementation issues, (2) future perfecting rulemaking on issues raised by implementation of existing program, and (3) issuance of new technical amendments to the existing rule to conform to the random drug testing rule.

Timetable:

Action	Date	FR Cite
Notice of Informal Safety Inquiry	01/20/87	52 FR 2118
Public Hearing, Washington, D.C.	02/18/87	
NPRM	05/10/88	53 FR 16640
Notice of public hearings	05/24/88	53 FR 18589
NPRM Comment Period End	08/08/88	
Final Action	11/21/88	53 FR 47102
Final Rule Correction new laboratory address	11/28/88	53 FR 47619
Final Action Effective	12/21/88	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 05/10/88 (53 FR 16640); Environmental Impact 05/10/88 (53 FR 16640)

Agency Contact: Walter C. Rockey, Jr., Executive Assistant to the Associate Administrator for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-0897

RIN: 2130–AA43

1977. + AMENDMENTS TO RAILROAD SAFETY REGULATIONS TO INCREASE THE MAXIMUM CIVIL PENALTIES AND TO MAKE CIVIL PENALTIES AVAILABLE AGAINST INDIVIDUALS

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 209; 49 CFR 213; 49 CFR 215; 49 CFR 216; 49 CFR 217; 49 CFR 218; 49 CFR 220; 49 CFR 221; 49 CFR 223; 49 CFR 225; 49 CFR 228; 49 CFR 229; 49 CFR 231; 49 CFR 232; 49 CFR 236; ...

Legal Deadline: Final, Statutory, December 22, 1988.
Statute requires both a generic change within 30 days of enactment and a detailed change within 6 months of enactment.

Abstract: The Rail Safety Improvement Act raised the maximum civil penalty amount for violations of FRA rules and it authorized the imposition of penalties against individuals for willful violations. An interim rule (7/28/88) extended the civil penalty provisions of the safety regulations to individuals and increased the maximum penalty from $2,500 to $10,000 (to $20,000 under some circumstances). This final rule raises the penalty amounts initially assessed for particular violations and reserves the right to assess the maximum $20,000 penalty where warranted. To the extent that the final rule does not amend interim rule provisions, the interim rule provisions are now final. The final rule also includes a statement of agency policy concerning enforcement of the federal railroad safety laws. This action was significant because of substantial public interest involved.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/28/88	53 FR 28594
Final Action	12/29/88	53 FR 52918
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel C. Smith, Deputy Assistant Chief Counsel for Safety, Department of Transportation, Federal Railroad Administration, 400 Seventh St, SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA47

1978. + CERTIFICATION OF PREDEPARTURE INSPECTIONS OF SIGNAL DEVICES MOUNTED ON LOCOMOTIVES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 236

Legal Deadline: Final, Statutory, September 20, 1988.

Abstract: The rule requires certification in writing of tests of automatic train control, train stop, and cab signal. While the previously existing rule requires that virtually all such tests be certified, the new rule expands that provision to require certification in writing that the test was properly performed by anyone testing the equipment. The certifications must be kept and maintained in the same manner as is presently required for daily locomotive inspections under 49 CFR Part 229. This action was considered significant because of substantial public interest and safety factors.

Timetable:

Action	Date	FR Cite
NPRM	08/31/88	53 FR 33789
NPRM Comment Period End	09/14/88	
Final Action	09/26/88	53 FR 37311
Final Action Effective	12/21/88	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/31/88 (53 FR 33789)

Agency Contact: S. H. Stotts, Chief, Standards Division, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-9178

RIN: 2130–AA54

1979. + PROHIBITING TAMPERING WITH SAFETY DEVICES MOUNTED ON LOCOMOTIVES

Significance: Agency Priority

Legal Authority: PL 100-342 Rail Safety Improvement Act of 1988

CFR Citation: 49 CFR 229; 49 CFR 236

Legal Deadline: Final, Statutory, September 20, 1988.

Abstract: FRA has issued necessary rules to prohibit tampering with certain locomotive-mounted safety systems. FRA identified which systems should be addressed and the appropriate regulatory construction for this rule. This rulemaking is considered significant because of substantial public interest and safety factors.

Timetable:

Action	Date	FR Cite
NPRM	08/31/88	53 FR 33786
NPRM Comment Period End	09/14/88	
Final Action	02/03/89	54 FR 5485
Final Action Effective	03/06/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation. 08/31/88 (53 FR 33786)

Agency Contact: Lawrence I. Wagner, Trial Attorney, Office Of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-0628

RIN: 2130–AA55

1980. ADJUSTMENT OF MONETARY THRESHOLD FOR REPORTING ACCIDENTS/INCIDENTS

Significance: Nonsignificant

Legal Authority: 45 USC 431; 45 USC 438; PL 100-342

CFR Citation: 49 CFR 225

Legal Deadline: None

Abstract: This rule increases the reporting threshold from $5,200 to $5,700 for railroad accidents/incidents involving property damage that occur during calendar years 1988 and 1989. This will ensure that the FRA reporting requirements reflect cost increases that have occurred since the reporting threshold was last computed in 1986.

Timetable:

Action	Date	FR Cite
Final Action	12/01/88	53 FR 48547
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: Since this amendment merely adjusts the reporting threshold for accidents/incidents in accordance with 49 CFR 225.19, and imposes no additional burden on any person, FRA concludes that notice and public procedure are not necessary.

Agency Contact: Ms. Billie Stultz, Attorney, Office of Chief Counsel, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20036, 202 366-0635

RIN: 2130–AA42

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Proposed Rule Stage

1981. + MAJOR CAPITAL INVESTMENT PROJECTS

Significance: Regulatory Program

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 611

Legal Deadline: None

Abstract: This regulation would set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major urban mass transportation investments. A major urban mass transportation investment is any project that involves the construction of a new fixed guideway for use by buses or rail vehicles. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Notice of Policy	05/18/84	49 FR 21284
NPRM	04/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/03/89

Agency Contact: Don Emerson, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 7th St., SW, Room 9301, Washington, DC 20590, 202 366-0096

RIN: 2132–AA22

1982. + IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACT OF 1964 AS AMENDED -- NONDISCRIMINATION

Significance: Agency Priority

Legal Authority: 49 USC 1615

CFR Citation: 49 CFR 641

Legal Deadline: None

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is

DOT—UMTA **Proposed Rule Stage**

anticipated. Regulations are needed to implement a statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/89

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1989.

Agency Contact: Akiro Sano, Department of Transportation, Urban Mass Transportation Administration, Office of Technical Assistance, 400 7th St., SW, Room 7412, Washington, DC 20590, 202 366-4018

RIN: 2132–AA01

1983. SCHOOL BUS OPERATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Legal Deadline: None

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM in 1989.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	10/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/00/89

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" schoolbus service.

Agency Contact: Daniel Duff, Assistant Chief Counsel, Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, 202 366-4063

RIN: 2132–AA09

1984. BUS TESTING GUIDELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1608(h)

CFR Citation: 49 CFR 665

Legal Deadline: None

Abstract: This regulation would implement a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary, by law, in Altoona, Pa.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 04/15/89

Additional Information: Section 12(h) of the UMT Act, as amended, defines a "new bus model" as a "bus model which has not been used in mass-transportation service in the United States before the date of production of such model, or a bus model which has been used in such service but which is being produced with a major change in configuration or components." UMTA plans to issue an NPRM in 1989.

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, Room 9316, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4063

RIN: 2132–AA30

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Final Rule Stage

1985. + "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Significance: Agency Priority

Legal Authority: PL 97-424, Sec 165; PL 100-17, Sec 337

CFR Citation: 49 CFR 661

Legal Deadline: None

Abstract: This rulemaking will amend UMTA's Buy America requirements to implement new statutory provisions and reflect UMTA's experience with implementing the existing regulation. It is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32994
Comment Period Extended to 11/14/88	10/27/88	53 FR 43457
NPRM Comment Period End	10/28/88	
Final Action	04/00/89	

Small Entities Affected: None

DOT—UMTA

Final Rule Stage

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 08/29/88 (53 FR 32994)

Additional Information: Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 amends the "Buy America" provisions of Section 165 of the Surface Transportation Assistance Act of 1982. UMTA's current "Buy America" regulation was issued as an Emergency Final Rule on September 15, 1983, 48 FR 41564.

Agency Contact: Edward J. Gill, Jr., Ass't Chief Counsel, Programs, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, 202 366-4063

RIN: 2132–AA15

1986. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Significance: Nonsignificant

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770; 49 CFR 623

Legal Deadline: None

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner.

Timetable:

Action	Date	FR Cite
NPRM	09/09/88	53 FR 35178
NPRM Comment Period End	11/08/88	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 09/09/88 (53 FR 35178)

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 366-4836 of FHWA. RIN 2125-AB10.

Agency Contact: A. Joseph Ossi, Department of Transportation, Urban Mass Transportation Administration, Office of Grants Management, 400 7th St., SW, Room 9301, Washington, DC 20590, 202 366-0096

RIN: 2132–AA19

1987. CAPITAL LEASES

Significance: Nonsignificant

Legal Authority: 49 USC 1607a(j)

CFR Citation: 49 CFR 639

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, November 28, 1987.

Abstract: This regulation would implement a statutory provision requiring UMTA to prescribe policies and procedures governing the eligibility for capital assistance under section 9 of the UMT Act, as amended, for leases of equipment and facilities where leasing is more cost-effective than purchase or construction.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18222
NPRM Comment Period End	07/19/88	53 FR 18222
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 05/20/88 (53 FR 18222)

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, 202 366-4063

RIN: 2132–AA28

1988. PRE-AWARD AND POST-DELIVERY AUDITS OF ROLLING-STOCK PURCHASES

Significance: Nonsignificant

Legal Authority: 49 USC 1608(j)

CFR Citation: 49 CFR 663

Legal Deadline: None

Abstract: This regulation would implement a statutory provision that requires an independent pre-award and post-delivery audit of the purchase of transit rolling stock with UMTA assistance to assure compliance with Federal motor-vehicle safety standards, Buy America requirements, and adherence to bid specification requirements. Manufacturer certification of compliance with this requirement is not sufficient and independent inspections and auditing are required by the statute.

Timetable:

Action	Date	FR Cite
NPRM	10/18/88	53 FR 40850
NPRM Comment Period End	12/19/88	
Final Action	06/15/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 10/18/88 (53 FR 40850)

Additional Information: Formerly titled Rolling Stock Purchase Audits

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, 202 366-4063

RIN: 2132–AA29

1989. PROJECT MANAGEMENT OVERSIGHT

Significance: Nonsignificant

Legal Authority: 49 USC 1619

CFR Citation: 49 CFR 633

Legal Deadline: NPRM, Statutory, June 1, 1987. Final, Statutory, September 29, 1987.

Abstract: This regulation would implement a statutory provision that

permits UMTA to use a portion of the funding of its major capital programs to hire outside contractors to perform project management oversight of major capital projects, and require an UMTA grantee constructing a major capital project to prepare and, after UMTA approval, implement a project management plan.

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29709
NPRM Comment Period End	10/13/87	52 FR 29709
Final Action	06/15/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 06/15/89

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation, and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 Seventh Street, SW, Room 9316, Washington, DC 20590, 202 366-4063

RIN: 2132–AA31

DEPARTMENT OF TRANSPORTATION (DOT)

Urban Mass Transportation Administration (UMTA)

Completed Actions

1990. + CONTROL OF DRUG USE IN FEDERALLY FUNDED MASS TRANSPORTATION OPERATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1601; 49 USC 1602; 49 USC 1607; 49 USC 1618

CFR Citation: 49 CFR 653

Legal Deadline: None

Abstract: The purpose of this proposal is to eliminate the use of dangerous drugs by operators of mass transit vehicles or other transit safety-sensitive workers. The rule requires a recipient of Federal transit grants to certify that it has established a drug program consistent with the requirements of the regulation and providing for chemical testing of safety-sensitive employees on a random basis as well as for pre-employment, post-accident, and reasonable suspicion.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 25910
Notice of Public Hearings	07/12/88	53 FR 26289
Notice of Public Hearings	07/26/88	53 FR 28025
NPRM Comment Period End	09/06/88	53 FR 25910
Final Action	11/21/88	53 FR 47156
Final Action Effective	12/21/88	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 11/21/88 (53 FR 47156)

Agency Contact: Daniel Duff, Assistant Chief Counsel for Legislation and Regulations, Department of Transportation, Urban Mass Transportation Administration, Office of the Chief Counsel, Room 9316, 400 7th St., SW, Washington, DC 20590, 202 366-4063

RIN: 2132–AA33

1991. + CHARTER SERVICE AMENDMENT

Significance: Agency Priority

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Legal Deadline: None

Abstract: Final rule amends the regulation that implements section 3(f) of the UMT Act regarding charter bus operations by UMTA recipients. Amendment concerns the ability of certain nonprofit entities to obtain handicap-accessible vehicles for charter service, or to receive service that otherwise would be unavailable to them. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	05/25/88	53 FR 18964
Notice of Public Hearings	06/06/88	53 FR 20660
NPRM Comment Period End	07/25/88	53 FR 18964
Final Action	12/30/88	53 FR 53348
Final Action Effective	01/30/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Sectors Affected: Multiple

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/25/88 (53 FR 18964)

Additional Information: Congress was concerned that nonprofit entities might not be able to afford the services of private charter operators, or, in the case of certain organizations, obtain the necessary handicap-accessible vehicles for charter service. This amendment addressed those concerns.

Agency Contact: Theodore Munter, Deputy Chief Counsel, Department of Transportation, Urban Mass Transportation Administration, Office of Chief Counsel, 400 7th St., SW, Room 9316, Washington, DC 20590, 202 366-4063

RIN: 2132–AA32

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Research and Special Programs Administration (RSPA)

1992. + REGISTRATION OF SHIPPERS AND CARRIERS OF HAZARDOUS MATERIALS

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: DOT lacks comprehensive data on the number, volume, and other statistics characterizing the transportation of hazardous materials in commerce. Comments will be requested on the burdens and benefits associated with various alternatives that could be used to obtain such information. The registration of carriers and shippers is one such alternative.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: J. Nalevanko/H. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4484

RIN: 2137–AB43

1993. + OST-FAA INFORMATION RULES: STANDARDIZED REGULATORY FLEXIBILITY REQUIREMENTS

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1387

CFR Citation: 14 CFR 241; 14 CFR 298; 14 CFR 399

Legal Deadline: None

Abstract: The threshold for the aviation-information program for regulatory flexibility analysis is 60 seats or maximum payload of 18,000 pounds or less. Carriers operating aircraft under these limits are considered small carriers. FAA, on the other hand, uses a threshold based on the operational certificate requirements (Part 121 versus Part 135) with the threshold established at 30 seats or maximum payload of 7,500 pounds for a Part 135 certificate. FAA regulatory analysis for safety, congestion, etc., centers around the lower threshold which means much of the aviation economic information that they use has to be manipulated to fit their needs. This proposal of standardizing the threshold within the Department would save considerable resources and would eliminate much confusion in the air transportation industry. Most carriers, especially the newer ones, are familiar with FAA's requirements. This rulemaking is significant because it will achieve consistency in departmental treatment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB16

1994. REVIEW OF COMMUTER AIR TRAFFIC AND MARKET DATA REPORTING

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: Currently commuter air carriers providing scheduled passenger service file two quarterly traffic schedules. One schedule summarizes nine traffic elements while the other schedule provides the origination and destination for all the carriers' on-line passengers. The Department is considering proposing a new traffic and market data system for certificated and foreign air carriers. This system could be used for commuter air carriers, providing the Department with one automated traffic and market data system for all carriers. This system would be less burdensome for the commuter air carriers and be more efficient for the user.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1 Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB18

1995. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 46 CFR 146; 49 CFR 107; 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 176

Legal Deadline: None

Abstract: This action involves consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Project 279-78

Agency Contact: C. Strombom/F. Thompson (USCG), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA10

1996. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

DOT—RSPA

Prerule Stage

Legal Deadline: None

Abstract: The Department is considering addressing the possibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 300-83.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA29

1997. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department is considering this proposal to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 291-80.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA30

1998. DOT SPECIFICATION 51 PORTABLE TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: The Department is considering revising the requirements for DOT Specification 51 Portable Tanks. Consideration will also be given to adopting certain provisions of the recommendations of the United Nations and the International Maritime Organization.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Project 302-83.

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA36

1999. AIRLINE REVENUE/NONREVENUE, FIRST CLASS/BUSINESS CLASS/COACH PASSENGERS: REVISED DEFINITIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in section 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air-fare deregulation. In addition, first class and coach passengers are defined in terms of the type of fare paid with premium or standard fares being the benchmark for first class. With deregulation and the proliferation of new air fares in the marketplace, such as business class, these definitions may also be outmoded. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Title was revised to include Business Class Passengers.

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB00

2000. SUBSIDIZED COMMUTER CARRIERS AND FOREIGN AIR CARRIERS: RECORDS AND RETENTION PERIODS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Legal Deadline: None

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; require foreign air carriers submitting traffic and market data to retain records in support of their submissions; modify or eliminate several of the records prescribed for retention by public charter operators and overseas operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB04

DOT—RSPA **Prerule Stage**

2001. FUMIGATION

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 174

Legal Deadline: None

Abstract: This proposal would revise the placarding requirements in the Hazardous Materials Regulations (HMR) to recognize the requirements of the Environmental Protection Agency (EPA) which address the placarding of commodities which have been fumigated. Those portions of the HMR which address the fumigation placard would be removed from the HMR to avoid duplication with EPA's requirements for placarding commodities which have been fumigated.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: C. Strombom/E. Pritchard (FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB41

2002. CONFORMING GAS AND LIQUID PIPELINE WELDING STANDARDS: FINAL PHASE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action would be the last of a series of rulemakings undertaken to conform the gas and liquid pipeline welding standards.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB45

2003. OPERATION OF EXISTING RURAL AND OFFSHORE GAS PIPELINES AT STRESS LEVELS HIGHER THAN PERMITTED FOR NEW PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This proposal would eliminate or qualify the "grandfather clause" of the natural gas pipeline safety regulations that permits operation of an existing rural or offshore gas pipeline found to be in satisfactory condition at the highest actual operating pressure to which the segment was subjected during the five years preceding July 1, 1970, or, in the case of an offshore gathering line, July 1, 1976.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: Doug Chisholm, Chief, Research Unit, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, D.C. 20590, 202 366-1640

RIN: 2137–AB53

2004. ● TRANSPORTATION OF RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 177

Legal Deadline: None

Abstract: This proposal would require motor carriers of highway route controlled quantities (HRCQ) of radioactive materials to transport those materials directly from pickup points to preferred routes and directly from preferred routes to delivery points.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Additional Information: Docket No. HM-164C

Agency Contact: R. Gassaway, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4488

RIN: 2137–AB59

2005. ● ANNUAL REPORT FOR HAZARDOUS LIQUID PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 2010

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This action proposes to require that operators of hazardous liquid pipelines annually report pipeline mileage, needed for user fee assessments, and other information needed to administer the pipeline safety regulatory program.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration,

DOT—RSPA **Prerule Stage**

400 Seventh Street, S.W., Washington, DC 20590, 202 366-2036

RIN: 2137–AB62

2006. ● TRANSPORTATION OF HYDROGEN SULFIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: In a few reported instances, excessive amounts of hydrogen sulfide were introduced into natural gas pipelines. High concentrations of hydrogen sulfide are very detrimental to steel pipelines and extremely toxic. This action examines the need to establish a maximum allowable concentration and other control measures.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: D. Chisholm, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4569

RIN: 2137–AB63

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Proposed Rule Stage

2007. + TRAINING FOR HAZARDOUS MATERIALS TRANSPORTATION

Significance: Regulatory Program

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 172; 49 CFR 174; 49 CFR 175; 49 CFR 176; 49 CFR 177

Legal Deadline: None

Abstract: This action will propose to establish detailed training requirements for persons involved with the transportation of hazardous materials. Establishing more detailed training requirements should diminish the number of hazardous materials transportation incidents which can be attributed to human error. At this time, the potential cost of establishing this program is unknown.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-126F

Agency Contact: C. Strombom, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB26

2008. + RECODIFICATION OF EXPLOSIVE REGULATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This action would propose consolidation and revision of regulations on classification and packaging of explosives, and the alignment of these regulations with the recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-181A

Agency Contact: D. Billings/C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA93

2009. + GAS GATHERING LINE DEFINITION

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.3

Legal Deadline: None

Abstract: The existing definition of "gathering line" would be clearly defined to eliminate confusion in distinguishing these pipelines from transmission lines in rural areas. The costs should be minimal since the definition will conform to prevailing practices in government and industry. Action is significant because the definition is the subject of litigation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: Suggested terminology is being coordinated with the Technical Pipeline Safety Standards Committee and State agencies in advance of a formal proposal for public comment.

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-1640

RIN: 2137–AB15

2010. + PROPOSALS FOR PIPELINE SAFETY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 191; 49 CFR 192; 49 CFR 195

Legal Deadline: None

DOT—RSPA **Proposed Rule Stage**

Abstract: Based on the numerous public comments and recommendations of the Department's two pipeline safety advisory committees, many of the proposals put forth in the ANPRM will be withdrawn. Those not withdrawn will be further evaluated in special studies or become the subject of separate rulemakings.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/87	52 FR 4361
ANPRM Comment Period End	03/30/87	52 FR 4361
NPRM to be withdrawn	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: B. Liebler, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB27

2011. + HAZARDOUS MATERIALS IN INTRASTATE COMMERCE

Significance: Agency Priority

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171 to 179

Legal Deadline: None

Abstract: ANPRM invites comments on the need for, and possible consequences of, DOT extending the application of its Hazardous Materials Regulations to all intrastate transportation of hazardous materials in commerce. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/87	52 FR 24195
Comment Period Extended to 11/28/87	09/21/87	52 FR 35464
ANPRM Comment Period End	09/28/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-200

Agency Contact: John Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB37

2012. + PIPELINE OPERATOR QUALIFICATIONS

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: Training and qualification standards would be proposed for personnel involved in the operation and maintenance of gas and hazardous liquid pipelines. Special consideration would be given to operators of small gas systems to alleviate the burden of compliance. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/87	52 FR 9189
ANPRM Comment Period End	05/07/87	52 FR 9189
NPRM	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/89

Additional Information: Docket No. PS-94

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-2036**

RIN: 2137–AB38

2013. + HIGHWAY ROUTING STANDARDS FOR CERTAIN TYPES AND QUANTITIES OF HAZARDOUS MATERIALS

Significance: Agency Priority

Legal Authority: 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173.177; 49 CFR 397

Legal Deadline: None

Abstract: Currently, except for certain radioactive materials, DOT has not promulgated uniform, national standards for the highway routing of hazardous materials. The proposal would establish such standards and provide guidance to States and localities to minimize the promulgation of State and local routing requirements that are inconsistent with the Hazardous Materials Transportation Act. This rulemaking is significant because of the safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/88	53 FR 11618
ANPRM Comment Period Extended to 12/13/88	10/05/88	53 FR 39114
ANPRM Comment Period End	10/11/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: Docket No. HM-203. Public hearings were held on June 14, 1988, in Sacramento, California, and on September 15, 1988, in Washington, DC.

Agency Contact: J. Nalevanko/B. Romo, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4484**

RIN: 2137–AB42

2014. + OPERATION AND MAINTENANCE PROCEDURES FOR GAS PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Adequate procedures for pipeline operation and maintenance, backed up by personnel training, have proven effective in minimizing the potential for accidents. Gas operators are required to have such procedures, but the existing requirements lack the clarity and specificity needed to assure a uniform, broad-based level of safety for all pipelines. Therefore, this

proposal would clarify the existing requirements, make them more comprehensive, and, where appropriate, similar to the more detailed requirements applicable to the operation and maintenance of hazardous liquid pipelines. This is a significant action because of the need for adequate procedures to provide a basis for training and qualifying operator personnel.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB44

2015. + PRESSURE TESTING EXISTING HAZARDOUS LIQUID PIPELINES

Significance: Agency Priority

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Recent accidents involving petroleum product pipelines demonstrate the potential for catastrophic losses if a large spill occurs in a populated area. Studies have shown that accidents attributable to hidden material or construction defects can be prevented by restricting operation to not more than 80 percent of a prior test or operating pressure. In this regard, significant results have been achieved by imposing such an operating restriction on those product pipelines that carry highly volatile liquids. This rule would extend this existing safety standard to all hazardous liquid pipelines. This rulemaking is significant because of substantial public interest in the safety implications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB46

2016. + MAPS AND RECORDS OF PIPELINE LOCATION AND CHARACTERISTICS; NOTIFICATION OF STATE AGENCIES; PIPE INVENTORY

Significance: Agency Priority

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: Final, Statutory, November 1, 1989.

Abstract: Maintenance of appropriate information about pipelines is essential for emergency response, compliance with safety standards, and other purposes. As part of a continuing policy to adopt similar requirements for gas and hazardous liquid pipelines where appropriate for safety, this action proposes to equalize as far as possible the requirements that gas and liquid operators keep maps and records to show the location and other characteristics of pipelines, and keep an inventory of pipe. In addition, operators would be required to provide this information to State agencies upon request. This is a significant action because of Congressional and State concerns about the need for appropriate public officials to have pipeline information.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB48

2017. ● + PIPELINE SAFETY GRANT PROGRAM: MINIMUM REQUIREMENTS FOR ONE-CALL SYSTEMS

Significance: Agency Priority

Legal Authority: PL 100-561, Sec 303

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, May 1, 1990.

Abstract: This rulemaking proposes the issuance of requirements for the establishment and operation of appropriate one-call notification systems in areas containing underground gas or hazardous liquid pipeline facilities. The requirements are intended for adoption by States with agencies participating in the Federal/State pipeline safety grant-in-aid program. Adoption would be a consideration in determining reimbursement of State program costs. This rulemaking is significant because of substantial public and congressional interest.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 08/00/89

Additional Information: This action is mandated by Pub. L. 100-561.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-2036

RIN: 2137–AB66

2018. CARRIAGE OF HAZARDOUS MATERIALS BY MOTOR VEHICLE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 177

DOT—RSPA **Proposed Rule Stage**

Legal Deadline: None

Abstract: This action proposes simplification and recodification of existing operating procedures for transportation of hazardous materials by motor vehicle as prescribed in Part 177.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/89

Additional Information: Project 261-78

This project was formerly entitled: Revision of Operating Procedures for Motor Vehicles.

Agency Contact: R. Gassaway/A. Coates (FHWA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA07

2019. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Legal Deadline: None

Abstract: The Department intends to propose exceptions from the regulations for private carriers which are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	
NPRM Comment Period End	02/15/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 01/00/90

Additional Information: Project 298-82.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA28

2020. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Legal Deadline: None

Abstract: This action would eliminate existing specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation

Additional Information: Docket No. HM-23.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA63

2021. CONSOLIDATION OF SPECIFICATIONS FOR HIGH-PRESSURE SEAMLESS CYLINDERS AND REWRITE OF 49 CFR 173.34

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: The Department will propose revision of requalification requirements for cylinders and proposed consolidation and revision of the specifications for high-pressure seamless cylinders. (Project No. 123-71).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly entitled Review: Consolidation of Specifications for High-Pressure Seamless Cylinders.

Agency Contact: Charles H. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA92

2022. ENFORCEMENT OF MOTOR CARRIER FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1805; 49 USC 1808 to 1809; 49 USC 1655; 49 USC 1655(c); 49 USC 10927

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 387

Legal Deadline: None

Abstract: This notice solicits comments on the merits of a petition for rulemaking from the National Tank Truck Carriers proposing to amend the Hazardous Materials Regulations to require shippers of hazardous materials by highway, in cargo tanks, to obtain documentary proof that the motor carrier possesses the minimum level of financial responsibility required by 49 CFR Part 387.

Timetable:

Action	Date	FR Cite
ANPRM	05/20/87	52 FR 19116
ANPRM Comment Period End	08/18/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-199

Agency Contact: J. Nalevanko/R. Gassaway, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4484

RIN: 2137–AB35

2023. DETECTION AND REPAIR OF CRACKS, PITS, CORROSION, LINING FLAWS, THERMAL DETECTION FLAWS, AND OTHER DEFECTS OF TANK CAR TANKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This rule would require tank-car owners and repair facilities to inspect for cracks and other defects after certain tank-car repairs to assure that no defects exist. A DOT Task Force assessed tank-car inspection and repair procedures and identified two major issues on which the ANPRM seeks comment: (1) the adequacy of crack detection and (2) the ability to repair detected cracks without collateral damage.

Timetable:

Action	Date	FR Cite
ANPRM	12/08/87	52 FR 46510
ANPRM Comment Period End	02/11/88	52 FR 46510
ANPRM Comment Period Extended to 05/13/88	02/18/88	53 FR 4862

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: M. Morris/P. Olekszyk(FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB40

2024. GAS DETECTION AND MONITORING IN COMPRESSOR STATION BUILDINGS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Leaking gas accumulating inside an inadequately ventilated compressor station building is a serious safety problem that has caused recent deaths and injuries. This rulemaking action proposes additional regulations to require installation of gas detection and alarm systems.

Timetable:

Action	Date	FR Cite
ANPRM	04/04/88	53 FR 10906
ANPRM Comment Period End	06/03/88	53 FR 10906
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 09/00/89

Additional Information: Docket No. PS-100

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB49

2025. DETERMINING THE EXTENT OF CORROSION ON EXPOSED GAS PIPELINES

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Corrosion is a major cause of gas and hazardous liquid pipeline accidents. A safety standard applicable to liquid pipelines requires operators to examine exposed pipe for evidence of external corrosion and, if harmful corrosion is found, to investigate further to determine the extent of the corrosion. As part of a continuing policy to adopt similar requirements for gas and liquid pipelines where appropriate for safety, this action proposes that exposed gas pipelines with evidence of harmful corrosion be investigated to determine the extent of the corrosion.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 05/00/89

Additional Information: National Transportation Safety Board Recommendation P-87-3 provides a basis for this action.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4560**

RIN: 2137–AB50

2026. DOT 3AL ALUMINUM CYLINDERS; SAFETY PROBLEMS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: Certain DOT 3AL cylinders made of aluminum alloy 6351 were discovered developing cracks during service and occasionally leaks developed resulting in loss of contents. This ANPRM is to alert and inform all persons possessing these cylinders of the problems, identify those cylinders at risk, and suggest steps to minimize risks. The ANPRM requests comments concerning ways to resolve the problems.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/87	52 FR 26027
ANPRM Comment Period End	08/10/87	52 FR 26027
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: C. Hochman, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AB51

2027. REVISION OF OPERATING REQUIREMENTS FOR RAIL CARRIAGE

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171; 49 CFR 174

DOT—RSPA

Proposed Rule Stage

Legal Deadline: None

Abstract: The purpose of the rulemaking is to update and rewrite the regulations contained in 49 CFR Parts 171 and 174 which govern the transportation of hazardous materials by rail.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: C. Strombom, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, DC 20590, 202 366-4488

RIN: 2137–AB55

2028. ● REVISION OF RSPA FORM 41 REPORT FOR CHANGES IN GAAP-FAS 95 STATEMENT OF CASH FLOWS

Significance: Nonsignificant

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: The accounting system that underpins the Form 41 Report is based on Generally Accepted Accounting Principles (GAAP) established by the Financial Accounting Standards Board. This board recently amended GAAP reporting disclosure standards by adding a Statement of Cash Flows. The Form 41 Report currently has a Statement of Financial Position. Unless there is some incompatibility with another aviation regulatory program, a proposed rule will be issued to replace the Statement of Financial Position with a Cash Flow Statement to maintain uniformity with GAAP. This rule would relieve large U.S. air carriers from the burden of preparing two different statements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	09/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 07/00/89

Agency Contact: Jack Galloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, DAI-1, Room 4125, 400 Seventh St., S.W., Washington, D.C. 20590, 202 366-4383

RIN: 2137–AB57

2029. ● ELEVATED TEMPERATURE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking addresses regulation of hazardous materials offered for transportation at elevated temperatures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: K. Blackman, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4545

RIN: 2137–AB58

2030. ● TRANSPORTATION REGULATIONS; COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY

Significance: Nonsignificant

Legal Authority: 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: This rulemaking would align the Hazardous Materials Regulations (HMR) with the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6. This action is necessary to implement practices and procedures that will improve safety in the transportation of radioactive materials and to facilitate international commerce.

Timetable:

Action	Date	FR Cite
Request for Comments	11/21/88	53 FR 46973
Comment Period End	12/23/88	
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Comments were due by 12/23/88.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4545

RIN: 2137–AB60

2031. ● RETEST REQUIREMENTS FOR DOT 8 AND 8AL CYLINDERS

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1804; 49 USC 1808

CFR Citation: 49 CFR 171.7

Legal Deadline: None

Abstract: This rulemaking would propose the incorporation by reference of the Compressed Gas Association's (CGA) Pamphlet C-13 entitled "Guidelines for Periodic Visual Inspection and Requalification of Acetylene Cylinders," 1985 edition. This pamphlet would set forth the guidelines for the testing and requalification of DOT cylinders used for transporting acetylene. (This proposal was previously contained in Docket No. HM-23.)

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-4488

RIN: 2137–AB61

2032. ● VEGETATION SURVEYS

Significance: Nonsignificant

Legal Authority: 49 USC 1672

DOT—RSPA **Proposed Rule Stage**

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: Many gas distribution operators look for signs of dying vegetation as a leak survey technique. This technique may not be as effective as other available methods, and leaks have occurred in areas where vegetation surveys had been conducted. This action would explore requiring the use of alternative methods to meet the leak detection survey requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB64

2033. ● PRESSURE REGULATORS SUBJECT TO INSPECTION AND TESTING

Significance: Nonsignificant

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.739

Legal Deadline: None

Abstract: This rulemaking would clarify which pressure regulators are subject to rules for inspection and testing of pressure regulating stations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/00/89

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-4560**

RIN: 2137–AB65

2034. ● ALTERNATIVE WELD DEFECT ACCEPTANCE CRITERIA

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: The safety standards for pipelines and liquefied natural gas facilities reference the workmanship standards of the American Petroleum Institute (API) "API 1104" for the acceptance of weld defects. Appendix A of the 1988 edition includes alternative acceptance criteria based on fracture mechanics. This action proposes to incorporate Appendix A by reference.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 06/00/89

Additional Information: A petition by the American Petroleum Institute (P-38) provides a basis for this rulemaking action.

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-1640**

RIN: 2137–AB67

2035. ● UPDATING REFERENCES TO API 5L

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: The pipeline safety standards incorporate by reference the steel pipe manufacturing specification in "API 5L". The currently referenced edition of the document has been superseded by the 1988 edition. This rulemaking would update all references to refer to the 1988 edition.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 12/00/89

Additional Information: Petitions by Bethlehem Steel Corp. (P-33) and Transcontinental Gas Pipeline Corp. (P-36) provide a basis for this rulemaking action.

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-2036**

RIN: 2137–AB69

2036. ● REVISED PIPELINE REPORTING AND ENFORCEMENT RULES

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 190; 49 CFR 191; 49 CFR 195

Legal Deadline: None

Abstract: Reporting requirements for safety-related conditions on pipeline facilities would be clarified. Also, new penalty provisions established by P.L. 100-561 would be added to the pipeline safety enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/89

Agency Contact: L. Furrow, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-2392**

RIN: 2137–AB70

DOT—RSPA **Proposed Rule Stage**

2037. ● PASSAGE OF INTERNAL INSPECTION DEVICES

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 108; PL 100-561, Sec 207

CFR Citation: 49 CFR 192; 49 CFR 195

Legal Deadline: None

Abstract: This rulemaking would establish minimum Federal safety standards requiring that new and replacement gas transmission and hazardous liquid pipelines be designed to accommodate the passage of internal inspection devices. This rulemaking is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/90

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-2036**

RIN: 2137–AB71

2038. ● TRANSPORTATION OF CARBON DIOXIDE BY PIPELINE

Significance: Nonsignificant

Legal Authority: PL 100-561, Sec 211

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: This action would amend the existing safety standards for hazardous liquid pipelines to include new standards necessary for the safe transportation of carbon dioxide by pipeline. This action is mandated by P.L. 100-561.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Evaluation 06/00/89

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-1640**

RIN: 2137–AB72

DEPARTMENT OF TRANSPORTATION (DOT)

Research and Special Programs Administration (RSPA)

Final Rule Stage

2039. + PERFORMANCE-ORIENTED PACKAGING STANDARDS

Significance: Regulatory Program

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173; 49 CFR 176; 49 CFR 178; 49 CFR 179

Legal Deadline: None

Abstract: This action will develop performance-oriented packaging standards and hazardous material classification based on the United Nations Committee of Experts on the Transport of Dangerous Goods. Rulemaking also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

Timetable:

Action	Date	FR Cite
ANPRM for RIN AA05	05/07/81	46 FR 25492
ANPRM for RIN AA11	06/05/81	46 FR 31294
ANPRM	04/15/82	47 FR 16268
Correction Document and Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/16/82	47 FR 40816
ANPRM Comment Period End	01/13/83	47 FR 40816
NPRM	05/05/87	52 FR 16482
NPRM Comment Period extended to 02/26/88	09/08/87	52 FR 33906
NPRM Comment Period End	11/02/87	
Supplemental NPRM	11/06/87	52 FR 42772
NPRM Comment Period extended to 05/25/88	04/14/88	53 FR 12442
Supplemental NPRM and Extension of Comment Period to 3/9/89	11/14/88	53 FR 45868

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis; Regulatory Evaluation 05/05/87 (52 FR 16482)

Additional Information: Docket No. HM-181. A decision on whether to proceed with a final rule will be made following review and evaluation of comments to the docket. RINs 2137-AA11 and AA05 have been consolidated into this rulemaking.

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4488**

RIN: 2137–AA01

DOT—RSPA

Final Rule Stage

2040. + REQUIREMENTS FOR CARGO TANKS

Significance: Agency Priority

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Legal Deadline: None

Abstract: The rule would modify cargo tank specifications in section 178.337-178.343 to improve clarity, quality control and safety and to provide for the manufacture of vacuum-loaded cargo tanks. It would also provide inspection, test, maintenance, repair, and requalification standards for cargo tanks. This rulemaking is being performed in conjunction with the FHWA. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	09/17/85	50 FR 37767
Corrections and Clarifications	12/05/85	50 FR 49866
NPRM Comment Period End	05/22/86	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 09/17/85 (50 FR 37767)

Additional Information: Docket Nos. HM-183, 183A.

Agency Contact: J. O'Steen/ J. Pena, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA42

2041. + DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Significance: Agency Priority

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Legal Deadline: None

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome. This rulemaking is significant because of substantial public interest due to safety implications.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042
NPRM	03/27/87	52 FR 9996
NPRM Comment Period End	07/29/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 03/27/87 (52 FR 9996)

Additional Information: Docket HM-36B.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA51

2042. + NATURAL GAS AND HAZARDOUS LIQUID PIPELINE DAMAGE PREVENTION PROGRAM

Significance: Agency Priority

Legal Authority: 49 USC 2002(e)

CFR Citation: 49 CFR 195

Legal Deadline: None

Abstract: Each year a large percentage of gas and hazardous liquid pipeline accidents are caused by excavation damage. Based on existing rules intended to reduce damage to gas pipelines in populated areas, this action would require hazardous liquid pipeline operators to provide damage prevention programs and gas operators would have to expand their programs to cover rural areas. This is a significant action because of the widespread interest in the use of "one-call" programs to prevent damage to buried pipelines.

Timetable:

Action	Date	FR Cite
NPRM	06/30/88	53 FR 24747
NPRM Comment Period End	08/29/88	53 FR 24747
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 06/30/88 (53 FR 24747)

Additional Information: Docket No. PS-101

Agency Contact: A. Garnett, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-2036

RIN: 2137–AB47

2043. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: This rulemaking would end the permitting of "interested" inspectors to perform inspections and testing of domestically manufactured low-pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	41 FR 1179

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA08

2044. ODORIZATION OF LP GAS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Legal Deadline: None

DOT—RSPA

Final Rule Stage

Abstract: NPRM solicited comments on the benefit of requiring LP gas to be odorized. Odorization would enhance its identification during transportation in commerce. Comments to the NPRM indicated that further study should be made before proceeding to a final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/27/84	49 FR 38164

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/27/84 (49 FR 38164)

Additional Information: Docket No. HM-126E.

Agency Contact: D. Billings, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA25

2045. TRANSPORTATION OF HAZARDOUS MATERIALS; MISCELLANEOUS AMENDMENTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Legal Deadline: None

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter.

Timetable:

Action	Date	FR Cite
Periodic Update	03/19/85	50 FR 11048
NPRM	06/03/86	51 FR 19866
NPRM Comment Period End	09/04/86	51 FR 27223
Periodic Update	04/20/87	52 FR 13034
Periodic Update - NPRM	09/19/88	53 FR 36410
Final Action	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/19/88 (53 FR 36410)

Additional Information: Docket No. HM-166.

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA44

2046. QUANTITY LIMITATIONS ABOARD AIRCRAFT

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 175

Legal Deadline: None

Abstract: This action proposes removal of the fifty-pound limit on the quantity that may be stowed in an inaccessible cargo location on passenger-carrying aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	04/06/84	49 FR 13717
ANPRM Comment Period End	09/01/84	49 FR 13717
NPRM	02/13/85	50 FR 6013
NPRM Comment Period End	05/30/85	50 FR 6013

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/13/85 (50 FR 6013)

Additional Information: Further action to be determined based on NPRM comments.

This project was formerly entitled: Limitation Aboard Aircraft.

Agency Contact: Ann Boylan, Transportation Reg. Specialist, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA85

2047. EMERGENCY RESPONSE COMMUNICATION STANDARDS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1808

CFR Citation: 49 CFR 172

Legal Deadline: None

Abstract: This proposal solicits comments on the potential benefits and consequences of requiring additional emergency response information on shipping papers and in vehicles when transporting hazardous materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10048
Public Hearing held, Washington, D.C.	05/02/84	49 FR 10048
ANPRM Comment Period End	06/26/84	49 FR 10048
NPRM	08/20/87	52 FR 31486
NPRM Comment Period extended to 12/22/87	09/04/87	52 FR 33611
NPRM Comment Period End	09/21/87	52 FR 31486

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/20/87 (52 FR 31486)

Additional Information: HM-126C

Agency Contact: Helen L. Engrum, Department of Transportation, Research and Special Programs Administration, 400 7th Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA88

2048. HAZARDOUS MATERIALS: URANIUM HEXAFLUORIDE

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: RSPA proposes to amend the Hazardous Materials Regulations to permit the transport of uranium hexafluoride (UF6) in certain packagings that do not meet the requirements of either the American National Standards Institute (ANSI) Standard N14.1-1987 (ANSI N14.1-1987) or the specification for DOT Class 106 A multi-unit tank car tanks, and to permit the transport of depleted UF6 in packagings filled to a capacity not

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Final Rule Stage

exceeding 62% by volume at 68 degrees Fahrenheit.

Timetable:

Action	Date	FR Cite
NPRM	04/11/86	51 FR 12529
NPRM Comment Period End	07/01/86	51 FR 12529
Interim Final Rule	11/18/86	51 FR 41631
Revision to Final Rule	12/24/86	51 FR 46674
Emergency Final Rule	03/12/87	52 FR 7581
NPRM New	07/06/87	52 FR 25342
Revision to Final Rule	07/06/87	52 FR 25340
Amended NPRM	04/06/88	53 FR 11320
Comment period ends	05/06/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 04/11/86 (51 FR 12529)

Additional Information: Docket No. HM-166V.

Agency Contact: M. Wangler, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AB10

2049. CONFIRMATION OR REVISION OF MAXIMUM ALLOWABLE OPERATING PRESSURE; ALTERNATE METHOD

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.611(a)

Legal Deadline: None

Abstract: This action proposes an alternate method for confirmation or revision of the maximum allowable operating pressure of pipelines previously tested to less than 90 percent of specified minimum yield strength. The alternate method would allow operators to establish a maximum allowable operating pressure in proportion to the level permitted for pipelines tested to 90 percent of specified minimum yield strength, or more, without retesting the pipeline. Considerable cost savings are expected.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	53 FR 1043
NPRM Comment Period End	03/15/88	53 FR 1043
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 01/15/88 (53 FR 1043)

Additional Information: Docket No. PS-97.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB20

2050. REAR BUMPERS ON CARGO TANK TRUCKS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This action proposed to provide a 36-month period to allow operators of cargo tank trucks operated in combination with cargo tank full trailers to modify their front units by adding the required rear bumper. This rulemaking is being performed in conjunction with the FHWA.

Timetable:

Action	Date	FR Cite
NPRM	08/08/86	51 FR 28605
NPRM Comment Period End	09/22/86	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 08/08/86 (51 FR 28605)

Additional Information: Docket No. HM-183B.

Agency Contact: H. Mitchell/B. Byrd (FHWA), Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AB34

2051. STANDARDS FOR CONSTRUCTION OF FIREWORKS AND NOVELTIES; APPROVAL FOR TRANSPORTATION

Significance: Nonsignificant

Legal Authority: 49 USC 1802 to 1808

CFR Citation: 49 CFR 171; 49 CFR 173

Legal Deadline: None

Abstract: This action proposed to eliminate a requirement for fireworks examination prior to their approval for transportation by the Director, Office of Hazardous Materials Transportation.

Timetable:

Action	Date	FR Cite
NPRM	02/12/88	53 FR 4348
NPRM Comment Period End	04/04/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Evaluation 02/12/88 (53 FR 4348)

Additional Information: Formerly entitled Standards for Construction of Fireworks and Approval for Transportation.

Agency Contact: J. Smith, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB36

2052. ETIOLOGIC AGENTS; PROPOSAL TO REMOVE THE 50 MILLILITER EXCEPTION

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173

Legal Deadline: None

Abstract: This rulemaking proposes to revise the definition of an etiologic agent, and remove the 50-milliliter per package exemption for such agents.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45525
NPRM Comment Period End	01/18/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

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Analysis: Regulatory Evaluation 11/10/88 (53 FR 45525)

Agency Contact: Ann Boylan, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., S.W., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB56

2053. ● UPDATING REFERENCES TO API 1104

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: In the safety standards for pipelines and liquefied natural gas facilities, the references to the welding requirements of the document "API 1104" would be updated to the requirements of the 1988 edition of that document, except for the requirements of Appendix A, which is the subject of a separate rulemaking. (RIN AB67) The currently referenced edition of "API 1104" is out of print.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/00/89

Additional Information: A petition by the American Petroleum Institute (P-38) provides a basis for this rulemaking action.

Agency Contact: C. De Leon, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 366-1640**

RIN: 2137–AB68

2054. ● EXCEPTIONS FOR SPECIFIED QUANTITIES OF RADIOACTIVE MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This action renews exceptions in the Hazardous Materials Regulations to permit the continued transportation by passenger-carrying aircraft of certain small quantities of radioactive material.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	53 FR 49895
NPRM Comment Period End	01/11/89	
Final Action	04/04/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/12/88 (53 FR 49895)

Agency Contact: Ann Boylan, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, **202 366-4488**

RIN: 2137–AB73

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Completed Actions

2055. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM FOREIGN AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 217; 14 CFR 241

Legal Deadline: None

Abstract: DOT has finalized a rule that requires submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to evaluate existing bilateral agreements and reciprocity between U.S. and foreign countries. In addition, international charter data currently collected from carriers will be incorporated with this reporting. This nonstop market data will virtually eliminate the Department's need for data collected by the Immigration and Naturalization Service on Form I-92. Although there will be some start-up costs, it is anticipated that over the long run there will be substantial savings for both the industry and the government. See 2137-AB01 for companion rule for U.S. air carriers.

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	52 FR 26498
NPRM Comment Period End	09/14/87	
NPRM Comment Period extended to 10/14/87	09/15/87	52 FR 34889
Final Action	11/16/88	53 FR 46284
Effective Date Suspended Until Further Notice	12/28/88	53 FR 52404
Correction to Final Rule	02/17/89	54 FR 7183

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 45 Transportation by Air

Analysis: Regulatory Evaluation 11/16/88 (53 FR 46284)

Additional Information: The effective date was suspended in order to consider the petitions for reconsideration.

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, **202 366-4383**

RIN: 2137–AA97

2056. + ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: This final rule relieves large, certificated air carriers from the burden of maintaining an accounting system that differentiates between the two sets of accounting principles: generally accepted and regulatory. It aligns the air-carrier accounting provisions in accordance with generally accepted accounting principles.

Timetable:

Action	Date	FR Cite
NPRM	03/24/88	53 FR 9653
NPRM Comment Period End	05/23/88	
Final Action	02/06/89	54 FR 5588
Correction to Final Rule	02/27/89	54 FR 8261
Correction to Final Rule	03/07/89	54 FR 9590
Final Action Effective	03/08/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 45 Transportation by Air

Analysis: Regulatory Evaluation 02/06/89 (54 FR 5588)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AA99

2057. + COLLECTION OF SERVICE SEGMENT DATA AND CHARTER DATA FROM U.S. AIR CARRIERS

Significance: Regulatory Program

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Legal Deadline: None

Abstract: Large U.S. air carriers file detailed service segment data in ADP format for scheduled operations, while smaller carriers file a condensed version on a hardcopy form. Charter data is filed on another form. The Department has issued a final rule which incorporates all three systems onto one automated data system by standardizing the reporting between scheduled and charter operations. Effective January 1, 1990, much of the data currently collected has been eliminated. Also much of the data reported on the hardcopy Form 41 T-Schedules has been eliminated, since data for the schedules can be extracted from the automated system. Further, the foreign air carrier traffic and market reporting (2137-AA97) is incorporated into this automated system, providing a uniform traffic and market system for the Department.

Timetable:

Action	Date	FR Cite
NPRM	07/15/87	52 FR 26498
NPRM Comment Period extended to 10/14/87	09/15/87	52 FR 34889
Final Action	11/16/88	53 FR 46284
Correction to Final Rule	02/17/89	54 FR 7183
Final Action Effective	01/01/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 45 Transportation by Air

Analysis: Regulatory Evaluation 07/15/87 (52 FR 26498)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AB01

2058. + CONTROL OF DRUG USE IN NATURAL GAS, LIQUEFIED NATURAL GAS, AND HAZARDOUS-LIQUID PIPELINE OPERATIONS

Significance: Regulatory Program

Legal Authority: 49 USC 1672; 49 USC 2002

CFR Citation: 49 CFR 192; 49 CFR 193; 49 CFR 195

Legal Deadline: None

Abstract: The final rule requires operators of pipeline facilities, other than master meter systems, used for the transportation of natural gas or hazardous liquids, and operators who produce and store liquefied natural gas, to have a drug program for individuals who perform specific sensitive safety-related functions.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 25892
Notice of Public Hearing	07/14/88	53 FR 26615
Notice of Public Hearing	08/24/88	53 FR 32263
NPRM Comment Period End	09/06/88	53 FR 25892
Final Action	11/21/88	53 FR 47084
Final Action Effective	12/21/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Draft Regulatory Evaluation 07/08/88 (53 FR 25892); Final Regulatory Evaluation 11/21/88 (53 FR 47084)

Additional Information: Docket No. PS-102

Agency Contact: C. DeLeon, Assistant Director for Regulation, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, 202 366-1640

RIN: 2137–AB54

2059. + COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Significance: Agency Priority

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Legal Deadline: None

Abstract: DOT issued a final rule, effective January 1, 1989, which collects basic financial information from the commuter carriers providing scheduled passenger service. Data will be used for fitness reviews; various economic analyses such as trust-fund revenue generation; airport and airways development; econometric modeling and regulatory cost-benefit analysis to aid aviation policy and regulatory decisions; and FAA's allocation planning for its inspection resources. This rule is considered significant because of substantial public interest.

DOT—RSPA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12774
NPRM Comment Period End	06/20/88	53 FR 12774
Final Action	12/01/88	53 FR 48524
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Evaluation 12/01/88 (53 FR 48524)

Agency Contact: Jack Calloway, Chief, Regulations Division, Department of Transportation, Research and Special Programs Administration, Office of Aviation Information Management, DAI-1/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4383

RIN: 2137–AA98

2060. DEFINITION OF A FLAMMABLE SOLID

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This proposal involved new standards for classifying a material as a flammable solid. It has been incorporated into RIN 2138-AA01.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492
Incorporated into RIN AA01	02/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly Docket HM-178.

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4496

RIN: 2137–AA05

2061. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This project involves development of new standards for classifying material as an oxidizing material and has been incorporated into RIN 2137-AA01.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294
Consolidated into RIN AA01	02/09/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Formerly Docket HM-179.

Agency Contact: M. Morris/C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AA11

2062. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

Significance: Nonsignificant

Legal Authority: 49 USC 178; 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 178

Legal Deadline: None

Abstract: This rulemaking responded to a Department of Energy request that DOT improve the water resistance of overpacks used in the transportation of enriched uranium hexafluoride.

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period End	09/12/84	
Final Action	09/20/88	53 FR 36548
Final Action Effective	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 08/16/84 (49 FR 32774)

Additional Information: Docket No. HM-190.

Agency Contact: A.W. Carriker/J.A. Gale, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4545

RIN: 2137–AA72

2063. EXCEPTION FROM PRESSURE TESTING NON-WELDED TIE-IN JOINTS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

CFR Citation: 49 CFR 192.503(d)

Legal Deadline: None

Abstract: The final rule excepts, from the pressure-test requirements of 49 CFR 192, nonwelded joints that tie-in pressure-tested segments of pipeline, provided such tie-in joints are leak-tested at not less than the operating pressure of the pipeline.

Timetable:

Action	Date	FR Cite
NPRM	01/15/88	53 FR 1045
NPRM Comment Period End	02/29/88	53 FR 1045
Final Action	09/16/88	53 FR 36028
Final Action Effective	10/17/88	
Amendment to Final Rule	02/03/89	54 FR 5484

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Draft Regulatory Evaluation 01/15/88 (53 FR 1045); Final Regulatory Evaluation 09/16/88 (53 FR 36028)

Additional Information: Docket No. PS-98. Final rule of 9/16/88 would have required leak testing of both welded and nonwelded tie-in joints. Based on petitions for reconsideration, RSPA deleted the requirement for leak testing of welded joints that tie in pressure-tested segments of pipelines.

Agency Contact: B. Liebler, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4560

RIN: 2137–AB19

2064. DELETION OF STANDARDS AFFECTING IRON AND COPPER PIPE AND OTHER MATERIALS

Significance: Nonsignificant

Legal Authority: 49 USC 1672; 49 USC 1804

DOT—RSPA

Completed Actions

CFR Citation: 49 CFR 192

Legal Deadline: None

Abstract: This final rule deletes the existing incorporation by reference of various documents intended for use in the design of gas pipelines. The materials to which the documents pertain are no longer generally used for gas pipelines so that reference to the documents can be deleted without affecting safety.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/87	52 FR 21087
ANPRM Comment Period End	08/03/87	52 FR 21087
NPRM	07/01/88	53 FR 24968
NPRM Comment Period End	08/15/88	
Final Action	02/06/89	54 FR 5625
Final Action Effective	03/08/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Evaluation 07/01/88 (53 FR 24968)

Additional Information: Docket No. PS-95

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-4561

RIN: 2137–AB24

2065. SHIPPERS: USE OF TANK-CAR TANKS WITH LOCALIZED THIN SPOTS

Significance: Nonsignificant

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806

CFR Citation: 49 CFR 173

Legal Deadline: None

Abstract: This final rule will allow the use of railroad tank-car tanks with shell thicknesses in localized areas of less than the minimum currently allowed. The rule requires that tank shells be measured under specific conditions to ensure that the results of repairs do not further decrease shell thickness or result in a reduction in the level of safety. Under the former rule, owners were required to bring tanks into conformance or remove them from hazardous materials service. Final rule will allow the tank cars to conform to a less stringent standard thereby avoiding the substantial costs associated with complete restoration or purchase of a new tank car, while still ensuring an adequate level of safety.

Timetable:

Action	Date	FR Cite
NPRM	12/08/87	52 FR 46511
NPRM Comment Period End	02/11/88	52 FR 46511
SNPRM Comment Period Extended to 05/13/88	02/18/88	53 FR 4862
Final Action	02/28/89	54 FR 8336
Final Action Effective	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 12/08/87 (52 FR 46511)

Additional Information: Compliance with these amended regulations is authorized as of March 30, 1989.

Agency Contact: M. Morris/P. Olekszyk(FRA), Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-4488

RIN: 2137–AB39

2066. ● IMPLEMENTATION OF THE ICAO TECHNICAL PROVISIONS

Significance: Nonsignificant

Legal Authority: 49 USC 1803 to 1808

CFR Citation: 49 CFR 171; 49 CFR 175

Legal Deadline: None

Abstract: This rule authorizes the offering, acceptance, and transportation by aircraft of hazardous materials when offered in conformance with the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air.

Timetable:

Action	Date	FR Cite
NPRM	09/15/88	53 FR 35968
NPRM Comment Period End	10/17/88	
Final Action Effective	01/01/89	
Final Action	01/10/89	54 FR 954

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Evaluation 09/15/88 (53 FR 35968)

Agency Contact: Richard Barlow, Acting International Standards Coordinator, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW., Washington, DC 20590, 202 366-0656

RIN: 2137–AB74

DEPARTMENT OF TRANSPORTATION (DOT)

Prerule Stage

Maritime Administration (MarAd)

2067. + PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Significance: Agency Priority

Legal Authority: 46 USC 1114(b); 46 USC 1156

CFR Citation: 46 CFR 250

Legal Deadline: None

Abstract: This regulation now establishes conditions for MARAD approval of tanker vessels over 100,000 dwt built with CDS, for participation in the carriage of Alaskan oil from Alaska to the Panama Canal. MARAD is reassessing the need for this regulation in light of the experience in administering its provisions, its policy of allowing total repayment of CDS (46 CFR Part 276) and litigation challenging these policies. This rulemaking is significant due to substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

DOT—MarAd

Prerule Stage

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances Olsen, Chief, Division of Trade Studies, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2282

RIN: 2133–AA62

2068. + PROCEDURES GOVERNING THE EVALUATION OF BIDS FOR THE CARRIAGE OF PREFERRED CARGOES ON SUBSIDIZED VESSELS

Significance: Agency Priority

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 381.8

Legal Deadline: None

Abstract: This action would have solicited public comment to assist in evaluating requests received from an operator and another Department that MARAD expand the scope of its procedures concerning evaluation of bids for the carriage of preference cargoes to apply to all types of preference cargo, specifically including civilian purchased preference and military cargoes. Existing procedures apply only to bulk cargoes. While considered significant, this contemplated action is temporarily suspended because maritime procurement procedures are undergoing a comprehensive review.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Arthur S. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh St. S.W. Washington, D.C. 20590, 202 366-2323

RIN: 2133–AA77

2069. REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL, OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Significance: Nonsignificant

Legal Authority: 46 USC 1295

CFR Citation: 46 CFR 310

Legal Deadline: None

Abstract: The Maritime Administration provides support to six State maritime schools for maritime education. The Federal support is outlined in agreements that have been executed between MARAD and the schools. The existing regulations will be revised to reflect changes in these agreements due to modifications in federal support.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 822 Colleges, Universities, Professional Schools, and Junior Colleges

Agency Contact: Arthur W. Friedberg, Director, Office of Maritime Labor & Training, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5755

RIN: 2133–AA57

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Proposed Rule Stage

2070. + PROCEDURES RELATING TO THE CONDUCT OF HEARINGS UNDER THE MERCHANT MARINE ACT, 1936

Significance: Agency Priority

Legal Authority: 46 USC App 1114(b); 46 USC App 1175(c); 46 USC App 1223(a)

CFR Citation: 46 CFR 203 (New)

Legal Deadline: None

Abstract: Regulations would establish procedures relating to the conduct of hearings under the Merchant Marine Act, 1936, as amended, prior to approval of applications for operating differential subsidy. The procedures to be proposed would allow MARAD to render more timely decisions by providing alternatives to the conduct of evidentiary hearings, in appropriate circumstances. This rulemaking is significant because of substantial public interest in the award or amendment of ODS contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003
NPRM Comment Period End	08/24/79	
SNPRM	04/04/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Additional Information: This rulemaking would be more limited in scope than what was to be developed in a 1979 NPRM, "Rules of Practice and Procedures for Hearing in ODS Applications." The RIN has been retained, although the title has been further revised.

Agency Contact: Murray A. Bloom, Chief, Division of Maritime Aids, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5164

RIN: 2133–AA20

2071. + CARGO PREFERENCE – IMPLEMENTATION OF P.L. 99-198

Significance: Agency Priority

Legal Authority: 46 USC 1241

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: These amendments to the existing cargo-preference regulations would implement S1142 of P.L. 99-198, the Food Security Act of 1985, that clarifies the applicability of cargo-preference requirements to the shipment of U.S. agricultural products. Action is pending disposition of litigation in the U.S. Court of Appeals

for the Seventh Circuit involving allocation of preference cargoes to port ranges. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Draft Regulatory Evaluation 06/00/89

Agency Contact: Lewis C. Paine, Director, Office of Market Development, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-5517

RIN: 2133–AA55

2072. REQUIREMENTS FOR CONDUCTING VESSEL SUBSIDY CONDITION SURVEYS AND FOR ACCOMPLISHING SUBSIDIZED VESSEL MAINTENANCE AND REPAIRS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b); 46 USC 1173

CFR Citation: 46 CFR 272

Legal Deadline: None

Abstract: MARAD is considering a proposal to amend its regulations concerning the requests for conducting condition surveys of subsidized vessels and accomplishing subsidized maintenance and repairs, in order to conform the regulations to reflect existing procedures of the agency and to advise the public of MARAD organizational changes.

Timetable:

Action	Date	FR Cite
NPRM	04/04/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Agency Contact: John J. Davis, Chief, Div. of Ship Management, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, 202 366-5776

RIN: 2133–AA64

2073. CARGO PREFERENCE – U.S.-FLAG VESSELS; DEPARTMENT OF DEFENSE SPONSORED AND GENERATED OCEANBORNE CARGOES

Significance: Nonsignificant

Legal Authority: 46 USC 1241(b)

CFR Citation: 46 CFR 381

Legal Deadline: None

Abstract: MARAD is formalizing procedures that have been adopted by one or more agencies within the Department of Defense (DOD) to accomplish compliance with two cargo preference statutes that require that minimum specified percentages of oceanborne cargoes sponsored and generated by DOD be carried on privately owned U.S.-flag commercial vessels, and is making each of these procedures applicable to all DOD agencies, where appropriate. Most of these procedures are now contained in internal DOD documents.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 473 Arrangement of Transportation of Freight and Cargo; 971 National Security

Agency Contact: S. Thomas Romeo, Chief, Division of National Cargo, Department of Transportation, Maritime Administration, 400 Seventh Street SW (MAR-820), Room 7209, Washington, DC 20590, 202 366-4610

RIN: 2133–AA69

2074. APPROVAL OF VESSEL CHARTERS TO NONCITIZENS

Significance: Nonsignificant

Legal Authority: 46 USC App 808; 46 USC App 839; 46 USC App 1114(b)

CFR Citation: 46 CFR 221.7

Legal Deadline: None

Abstract: MARAD has received a petition for rulemaking from an association representing oil-drilling contractors requesting that MARAD expand the scope of its general approval of charters to noncitizens (without obtaining prior MARAD approval) to include (1) intra-company charters of mobile offshore drilling units (MODUs) regardless of their duration; and (2) all bareboat charters and subcharters of MODUs to facilitate their employment in foreign business activities. MARAD will consider the need for such approvals as well as for other types of vessels.

Timetable:

Action	Date	FR Cite
ANPRM	11/02/88	53 FR 44206
ANPRM Comment Period End	01/03/89	
NPRM	03/10/89	54 FR 10168
NPRM Comment Period End	04/24/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 448 Water Transportation of Passengers

Agency Contact: Jessie Fernanders, Vessel Transfer & Disposal Officer, Department of Transportation, Maritime Administration, 400 Seventh St., SW., Room 2112, Washington, DC 20590, 202 366-5111

RIN: 2133–AA73

2075. ● FEDERAL INCOME TAX ASPECTS OF THE CAPITAL CONSTRUCTION FUND

Significance: Nonsignificant

Legal Authority: 46 USC App 1114(b); 46 USC App 1177

CFR Citation: 46 CFR 391

Legal Deadline: None

Abstract: The Maritime Administration and Department of the Treasury are jointly proposing to amend the regulations for determining the tax liability of participants in a Capital Construction Fund (CCF) to give effect to amendments in the Tax Reform Act of 1986 (PL 99 514). This rulemaking has been split off from Rin 2133-AA65,

which proposes to implement changes in regulations for administering the CCF, consistent with PL 99-514.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 449 Services Incidental to Water Transportation; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Agency Contact: Jean E. McKeever, Chief, Division of Capital Assets, Department of Transportation, Maritime Administration, 400 Seventh Street SW, Washington, DC, 366, 202, 202 366-1905

RIN: 2133–AA78

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Final Rule Stage

2076. + CARGO PREFERENCE, U.S.-FLAG VESSELS: DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Significance: Regulatory Program

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Legal Deadline: None

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. MARAD would calculate fair and reasonable rates by using aggregate averages to determine all operating costs except fuel, using the historical data submitted by the operators, dividing the ships into competitive groupings based on size and type. It would establish requirements for submission of data on which the methodology would be based. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	08/06/85	50 FR 31735
NPRM Comment Period End	10/07/85	
First SNPRM Comments due 03/17/87	12/17/86	51 FR 45135
Second SNPRM Comments due 08/12/88	06/28/88	53 FR 24324
Public Hearing Notice	08/22/88	53 FR 31870
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Analysis: Draft Regulatory Evaluation 12/17/86 (51 FR 45135)

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Agency Contact: Arthur B. Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133–AA43

2077. + OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES; EXCLUSION OF COMMERCIAL CARGOES RESERVED FOR U.S.-FLAG CARRIERS

Significance: Regulatory Program

Legal Authority: 46 USC 1114, (Appendix); 46 USC App 1114

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: MARAD has proposed a rulemaking that clarifies its policy that cargoes which are not preference cargoes, but are reserved to U.S.-flag vessels by agreement of countries which receive U.S. foreign assistance in the form of cash transfers (or any similar cash assistance program), are not "commercial" cargoes, subject to foreign competition and not subsidizable.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37536
NPRM Comment Period End	11/25/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Draft Regulatory Evaluation 09/26/88 (53 FR 37536); Final Regulatory Evaluation 05/00/89

Agency Contact: Edmond Fitzgerald, Director, Off. of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, DOT/MARAD, 400 Seventh St., SW, Washington, DC 20590, 202 366-2400

RIN: 2133–AA66

2078. ● + REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

Significance: Agency Priority

Legal Authority: 46 USC App 705; 46 USC App 802; 46 USC App 803; 46 USC App 808; 46 USC App 835; 46 USC App 839; 46 USC App 841a; 46 USC App 1195; 46 USC App 1114(b); PL 100-710

CFR Citation: 46 CFR 221

Legal Deadline: None

Abstract: Enactment of Public Law 100-710 on November 23, 1988 has made significant changes in the laws relating to vessel documentation, financing, and transfer, effective on January 1, 1989. These changes impact on MARAD's responsibilities with respect to the approval of the transfer of interests in U.S. documented vessels and the approval of commercial transactions where preferred mortgages are created, with one or more vessels as security.

These changes in the law are at variance with existing MARAD regulations. The legislative history of Public Law 100-710 clearly anticipated the need for contemporaneous guidelines that allow uniform application of the underlying policy and provide public guidance on that policy as of the effective date. Publication of an interim final rule permits implementation of the new law without a hiatus and would minimize transitional uncertainty among the corporate and financial communities that are affected. This rulemaking is considered significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/02/89	54 FR 5382
Correction to Interim Final Rule	02/27/89	54 FR 8195
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway; 971 National Security; 972 International Affairs

Analysis: Regulatory Evaluation 02/02/89 (54 FR 5382)

Additional Information: The interim final rule was effective 02/02/89; the comment period ended 04/03/89.

Agency Contact: Robert J. Patton, Jr., Deputy Chief Counsel, Department of Transportation, Maritime Administration, 400 7th St., SW, Washington, DC 20590, 202 366-5711

RIN: 2133–AA79

2079. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Significance: Nonsignificant

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295. (New)

Legal Deadline: None

Abstract: These regulations would implement Sec. 1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new Sec. 614 to the Merchant Marine Act, 1936 (46 App. U.S.C. 1184).

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
To Be Withdrawn	04/04/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight

Additional Information: NPRM being withdrawn because the Maritime Subsidy Board final Opinion and Order in Docket S-764, that does not require CDS repayment for bulk vessels carrying preference cargoes, is a more attractive alternative for operators than ODS suspension that requires CDS repayment. Also, operator of only liner vessels to make election is in bankruptcy.

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 366-2256

RIN: 2133–AA17

2080. CAPITAL CONSTRUCTION FUND

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 390.391

Legal Deadline: None

Abstract: The Maritime Administration is amending its regulations concerning the Capital Construction Fund (CCF) to give effect to amendments in the Tax Reform Act of 1986 (P.L. 99-514) relative to the operation of a CCF. This rulemaking proposes to amend the regulations at 46 CFR Part 390 governing the administration of a CCF to reflect changes made by PL 99-514. Other regulations are being developed jointly with the Department of the Treasury (IRS) to implement provisions of PL 99-514 relating to Federal Income Tax Aspects of the Capital Construction Fund (46 CFR 391). See Rin 2133-AA78.

Timetable:

Action	Date	FR Cite
NPRM	10/31/88	53 FR 43907
Correction to NPRM Preamble	11/14/88	53 FR 45783
Correction to NPRM	11/21/88	53 FR 46999
Comment period Extended to 01/03/89	12/12/88	53 FR 49695
NPRM Comment Period End	12/15/88	53 FR 43907
Final Action	04/30/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 449 Services Incidental to Water Transportation; 443 Freight Transportation on the Great Lakes-St. Lawrence Seaway

Analysis: Regulatory Evaluation 04/30/89

Agency Contact: Jean E. McKeever, Chief, Div. of Capital Assets Management, Department of Transportation, Maritime Administration, 400 Seventh St., SW, Washington, DC 20590, 202 366-1905

RIN: 2133–AA65

DEPARTMENT OF TRANSPORTATION (DOT)

Maritime Administration (MarAd)

Completed Actions

2081. MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Significance: Nonsignificant

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 326

Legal Deadline: None

Abstract: These amendments reflect existing Maritime Administration (MARAD) practices, office names and addresses concerning the handling of marine protection insurance (P&I) claims by Agents under Agreements with the United States, acting by and through the Director, National Shipping

Authority in MARAD, with respect to vessels under MARAD control in the National Defense Reserve Fleet.

Timetable:

Action	Date	FR Cite
NPRM	05/14/86	51 FR 17659
NPRM Comment Period End	07/14/86	
Final Action	09/27/88	53 FR 37570
Final Action Effective	10/27/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 442 Deep Sea Domestic Transportation of Freight

Analysis: Regulatory Evaluation 09/27/88 (53 FR 37570)

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Analysis & Insurance, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Room 8117, Washington, DC 20590, 202 366-2400

RIN: 2133–AA51

2082. GENERAL PROCEDURES FOR DETERMINING OPERATING DIFFERENTIAL SUBSIDY FOR LINER VESSELS

Significance: Nonsignificant

Legal Authority: 46 USC App 1114(b); 46 USC App 1114(b)

CFR Citation: 46 CFR 282

Legal Deadline: None

Abstract: The Maritime Administration (MARAD) has amended the procedure for determining ODS for liner vessels operating in the foreign commerce of the United States. In determining rates for wage subsidy, MARAD will use the U.S./foreign cost relationship at a point in time that is one year earlier than the date now used, and would also use a different and longer period as the basis for calculating the respective currency exchange rates.

Timetable:

Action	Date	FR Cite
NPRM	04/26/88	53 FR 14822
NPRM Comment Period End	06/27/88	
Final Action	02/01/89	54 FR 5086
Final Action Effective	03/03/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 448 Water Transportation of Passengers

Analysis: Final Regulatory Evaluation 02/01/89 (54 FR 5086)

Additional Information: This rule is effective 03/03/89 for application to the wage rate year beginning 07/01/88, and the rate year for other items beginning 01/01/89.

Agency Contact: Arthur Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, DOT/MARAD (560) 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133–AA67

2083. OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICE

Significance: Nonsignificant

Legal Authority: 46 USC App 1114(b)

CFR Citation: 46 CFR 252

Legal Deadline: None

Abstract: The Maritime Administration has amended the procedure for determining ODS for bulk cargo vessels operating in the foreign commerce of the United States. In determining rates for wage subsidy, MARAD will use the U.S./foreign cost relationship at a point in time that is one year earlier than the date now used, and would also use a different and longer period as the basis for calculating the respective currency exchange rates.

Timetable:

Action	Date	FR Cite
NPRM	04/26/88	53 FR 14821
NPRM Comment Period End	06/27/88	
Final Action	02/01/89	54 FR 5085
Final Action Effective	03/03/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 441 Deep Sea Foreign Transportation of Freight; 448 Water Transportation of Passengers

Analysis: Regulatory Evaluation 04/26/88 (53 FR 14821)

Additional Information: This rule is effective 03/03/89 for application to the wage rate year beginning 07/01/88, and the rate year for other items beginning 01/01/89.

Agency Contact: Arthur Sforza, Director, Office of Ship Operating Assistance, Department of Transportation, Maritime Administration, DOT/MARAD (560) 400 Seventh Street, SW, Washington, DC 20590, 202 366-2323

RIN: 2133–AA68

[FR Doc. 89-8168 Filed 04-21-89; 8:45 am]

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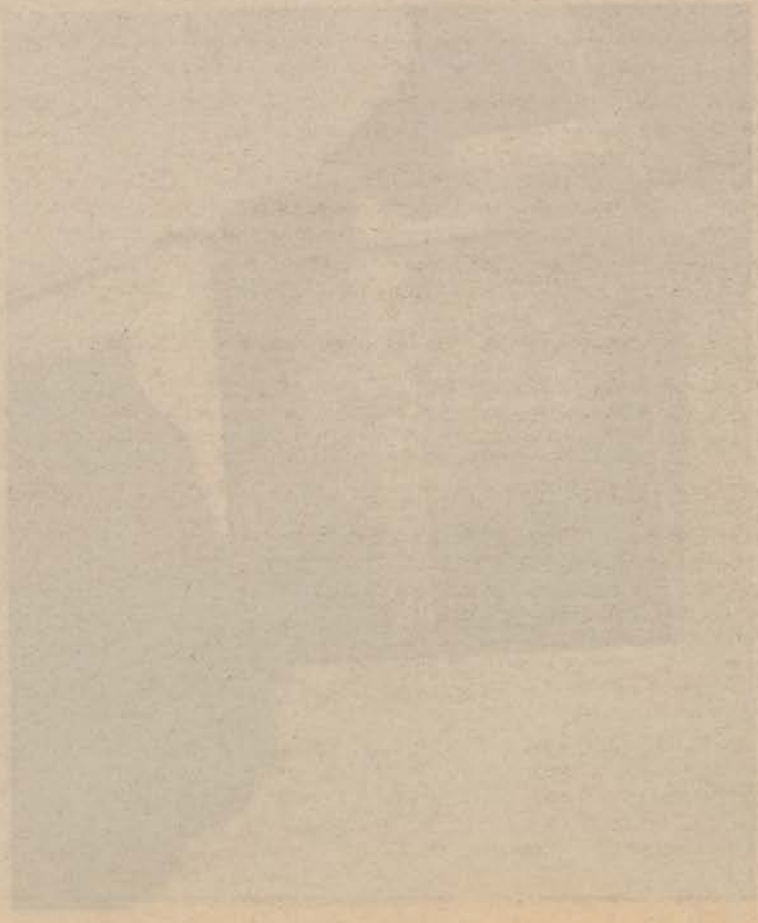

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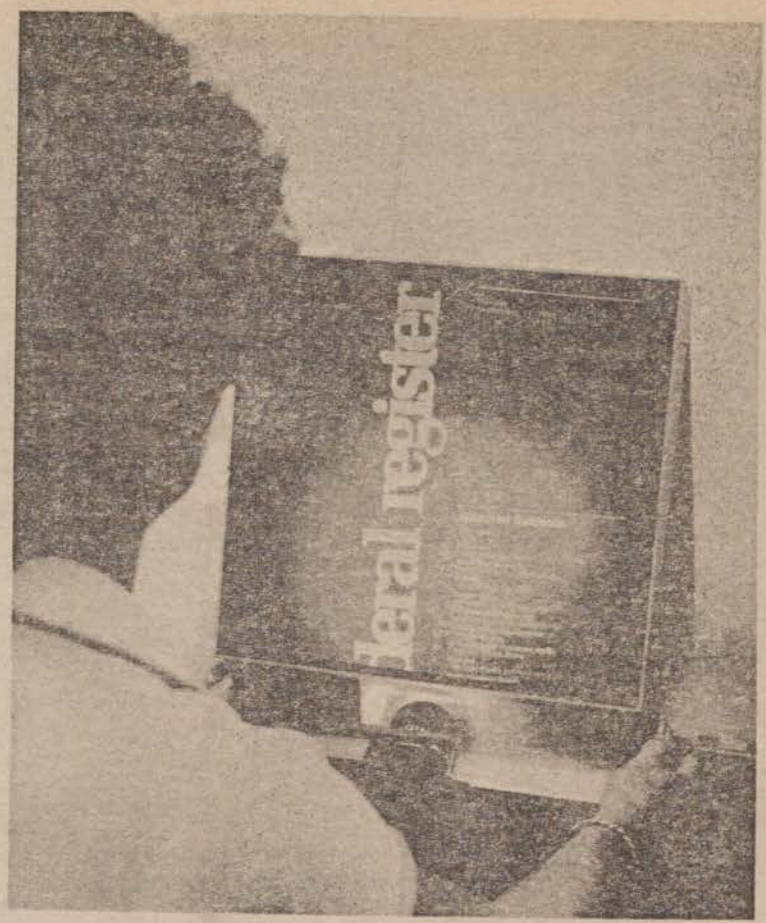

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federal register

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Federal Register

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Part XV

Department of the Treasury

Semiannual Regulatory Agenda

DEPARTMENT OF THE TREASURY (TREAS)

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

DEPARTMENT OF THE TREASURY

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Departmental Offices, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center (RISC).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Departmental Offices regulation, contact the "agency contact" listed in the specific regulatory action. For general information concerning the agenda, contact Richard S. Carro, Associate General Counsel, Room 1422, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 566-2558, not a toll-free call.

Dated: March 16, 1989.

Emily L. Walker,

Executive Secretary.

Departmental Offices—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2084	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Reporting and Recordkeeping Requirements by Casinos	1505-AA10
2085	31 CFR 10 Due Diligence Standards With Respect to Persons Practicing Before the Internal Revenue Service	1505-AA17
2086	31 CFR 103 Proposed Amendment to the Bank Secrecy Act Regulations Relating to Identification Required to Purchase Bank Checks, Cashier's Checks, Traveler's Checks and Money Orders	1505-AA32
2087	31 CFR 103 Amendment to the Bank Secrecy Act Regulations Relating to Geographic Reporting of Certain Domestic Currency Transactions	1505-AA33

Departmental Offices—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2088	31 CFR 103 Bank Secrecy Act Regulations; Amendments Regarding the International Transportation and Receipt of Monetary Instruments	1505-AA31

TREAS—DO

Departmental Offices—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2089	31 CFR 103 Proposed Amendments to the Bank Secrecy Act Regulations Regarding Recordkeeping Requirements by Casinos	1505-AA30

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Departmental Offices (DO)

2084. PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING REPORTING AND RECORDKEEPING REQUIREMENTS BY CASINOS

Legal Authority: 31 USC 5311 to 5322; 12 USC 1829b; 12 USC 1951 to 1959

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The proposed regulations contain 16 amendments to the Bank Secrecy Act regulations that are designed to respond to substantial noncompliance with the current regulations by casinos.

Timetable:

Action	Date	FR Cite
NPRM	08/18/88	53 FR 31370
NPRM Comment Period End	10/17/88	53 FR 31370
Comment Period Extension To 11/14/88	10/28/88	53 FR 43736
Comment Period Extension To 12/14/88	12/01/88	53 FR 48551

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Zoscak, Jr., Attorney-Advisor, Office of the Assistant General Counsel (Enforcement), Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 2000, Washington, DC 20220, 202 566-2914

RIN: 1505–AA10

2085. DUE DILIGENCE STANDARDS WITH RESPECT TO PERSONS PRACTICING BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 5 USC 301; 31 USC 330; 31 USC 321

CFR Citation: 31 CFR 10

Legal Deadline: None

Abstract: The proposed regulation would modify the current regulations governing practice before the Internal Revenue Service by clarifying the requirements relating to due diligence standards imposed on tax practitioners.

Timetable:

Action	Date	FR Cite
NPRM	08/14/86	51 FR 29113
Extend Public Comment Period to 11/13/86	08/27/86	51 FR 30510
NPRM Comment Period End	10/14/86	51 FR 29113
Extend public comment period to 02/13/87	11/06/86	51 FR 40340

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202-535-6787

RIN: 1505–AA17

2086. ● PROPOSED AMENDMENT TO THE BANK SECRECY ACT REGULATIONS RELATING TO IDENTIFICATION REQUIRED TO PURCHASE BANK CHECKS, CASHIER'S CHECKS, TRAVELER'S CHECKS AND MONEY ORDERS

Legal Authority: 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5324; PL 100-690, Sec 6185(b)

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This advance notice solicits public comments on the implementation of section 6185(b) of the Anti-Drug Abuse Act of 1988, which requires the issuance of regulations prescribing what identification shall be provided by purchasers of cashier's checks, traveler's checks, money orders and bank checks.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/88	53 FR 61846
Extension of comment period to 02/15/89	01/19/89	54 FR 02138
ANPRM Comment Period End	01/22/89	
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Scott, Attorney Advisor, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, 202 566-9947

RIN: 1505–AA32

2087. ● AMENDMENT TO THE BANK SECRECY ACT REGULATIONS RELATING TO GEOGRAPHIC REPORTING OF CERTAIN DOMESTIC CURRENCY TRANSACTIONS

Legal Authority: 12 USC 1730d; 12 USC 1829b; 12 USC 1951 to 1959; 31 USC 5311 to 5326; PL 100-690, Sec 6185(c)

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: Section 6185(c) of the Anti-Drug Abuse Act of 1988 permits the issuance of orders to identify financial institutions in certain geographic locations for special reporting of

TREAS—DO

Proposed Rule Stage

currency transactions in amounts less than $10,000 for a limited period of time. The proposal describes the procedures that would be followed in issuing such orders.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Scott, Attorney Advisor, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, 202 566-9947

RIN: 1505–AA33

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Final Rule Stage

2088. ● BANK SECRECY ACT REGULATIONS; AMENDMENTS REGARDING THE INTERNATIONAL TRANSPORTATION AND RECEIPT OF MONETARY INSTRUMENTS

Legal Authority: 12 USC 1929b; 12 USC 1951 to 1959; 31 USC 5311 to 5324

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: This notice defines the term "at one time" for the purposes of the international transportation and receipt of monetary instruments and proposes to clarify the definition of "monetary instruments" as it pertains to traveler's checks.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45774
Technical correction	11/18/88	53 FR 46634
Technical correction	12/07/88	53 FR 49378
NPRM Comment Period End	01/13/89	53 FR 45774
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen A. Scott, Attorney Advisor, Department of the Treasury, Departmental Offices, Room 4320, Washington, DC 20220, 202 566-9947

RIN: 1505–AA31

DEPARTMENT OF THE TREASURY (TREAS)
Departmental Offices (DO)

Completed Actions

2089. PROPOSED AMENDMENTS TO THE BANK SECRECY ACT REGULATIONS REGARDING RECORDKEEPING REQUIREMENTS BY CASINOS

Legal Authority: 31 USC 5313

CFR Citation: 31 CFR 103

Legal Deadline: None

Abstract: The proposed regulations would require that casinos otherwise subject to the regulations retain the records that they use for monitoring customers' gaming activities. The proposed regulations also would require casinos that input, retain, or store certain information on computer disk, tape, or other machine-readable media to retain such information in machine-readable form.

Timetable:

Action	Date	FR Cite
NPRM	04/07/88	53 FR 11513
NPRM Comment Period End	05/09/88	53 FR 11513
Final Action	01/12/89	54 FR 01165
Final Action Effective	02/13/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Amy G. Rudnick, Director, Office of Financial Enforcement, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Room 4320, Washington, DC 20220, 202 566-8022

RIN: 1505–AA30

[FR Doc. 89-7777 Filed 04-21-89; 8:45 am]

BILLING CODE 4810-25-T

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 (Federal Regulation, February 17, 1981), which require publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities

within the meaning of the Regulatory Flexibility Act.

Dated: March 20, 1989.

W. E. Douglas,

Commissioner.

Financial Management Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2090	31 CFR 205 Revision of 31 CFR Part 205 (TDC No. 1075), Payments Between the Federal Government and Recipient Organizations	1510-AA00
2091	31 CFR 235 Time Limitation on Payment and Cancellation of Treasury Checks and Reclamation Actions and Claims	1510-AA11
2092	31 CFR 225, (Revision) Acceptance of Bonds, Notes, or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds	1510-AA13

Financial Management Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2093	31 CFR 210, (Revision) Federal Payments through Financial Institutions by the Automated Clearing House Method	1510-AA09

Financial Management Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2094	31 CFR 223, (Revision) Regulations Governing Surety Companies Doing Business with the United States	1510-AA12

Financial Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2095	31 CFR 203 Regulations Governing Compensation for Services Rendered	1510-AA14

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Financial Management Service (FMS)

2090. REVISION OF 31 CFR PART 205 (TDC NO. 1075), PAYMENTS BETWEEN THE FEDERAL GOVERNMENT AND RECIPIENT ORGANIZATIONS

Significance: Agency Priority

Legal Authority: 31 USC 6503

CFR Citation: 31 CFR 205

Legal Deadline: None

Abstract: Revision of 31 CFR 205 will implement a new funding technique for Federal programs. The regulation would require a State to pay interest on Federal funds from the time they are deposited to the State's account until the time those funds are paid out to redeem checks or warrants or make payments by other means. This new "Checks Issued-Interest Remitted" technique was developed in response to statutes in some States that require that funds reside in a bank account prior to the issuance of checks. This revision also provides for the remittance of interest by the Federal Government if a State disburses its own funds for program purposes in accordance with Federal law, regulation or Federal/State agreement.(cont)

TREAS—FMS **Prerule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: In addition, other cash management issues discussed by the State/Federal Cash Management Reform Task Force will be addressed in this regulation.

Agency Contact: Michael C. Salapka, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 420B, Washington, DC 20227, 202 287-0590

RIN: 1510–AA00

2091. TIME LIMITATION ON PAYMENT AND CANCELLATION OF TREASURY CHECKS AND RECLAMATION ACTIONS AND CLAIMS

Significance: Agency Priority

Legal Authority: PL 100-86, Sec 1005 Title X; 31 USC 3328; 31 USC 3334; 31 USC 3712(a)

CFR Citation: 31 CFR 235; 31 CFR 240; 31 CFR 245

Legal Deadline: Final, Statutory, October 1, 1989.
The Secretary of the Treasury, using his legal authority, extended the date the amendments shall become effective to 10/01/89. The notice of the extension appears at 53 FR 3584.

Abstract: These regulations are required under PL 100-86, Sec 1005, and they will prescribe rules and procedures necessary in order to implement the time limitation on payment and cancellation of Treasury checks and reclamation actions and claims.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Joan Pesata, Director, Limited Payability Project, Department of the Treasury, Financial Management Service, 3700 East-West Highway, Room 816-C, Prince Georges Center II Bldg., Hyattsville, MD 20782, 301 436-7172

RIN: 1510–AA11

2092. ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Significance: Agency Priority

Legal Authority: 31 USC 9303

CFR Citation: 31 CFR 225, (Revision)

Legal Deadline: None

Abstract: The revision will address changes to definitions in the areas of acceptable securities.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 259, Washington, DC, 20227, 202 287-3915

RIN: 1510–AA13

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Proposed Rule Stage

2093. FEDERAL PAYMENTS THROUGH FINANCIAL INSTITUTIONS BY THE AUTOMATED CLEARING HOUSE METHOD

Significance: Agency Priority

Legal Authority: 5 USC 5525; 12 USC 391; 31 USC 321

CFR Citation: 31 CFR 210, (Revision)

Legal Deadline: None

Abstract: Revision of 31 CFR Part 210 will clarify the breadth of payments governed by the regulations. These include non-benefit payments such as vendor payments, miscellaneous payments. Internal Revenue Service (IRS) tax refunds, savings bonds, grants and loans. It will also include the payment of discretionary allotments of net pay of Federal employees' salaries by DD/EFT. Electronic funds thus transferred through the Federal Reserve System eliminate the possibility of checks being lost, stolen, or forged. The Federal Government's operating efficiency will be improved, productivity will be increased, and the costs associated with the current methods will be reduced.

Timetable:

Action	Date	FR Cite
NPRM	07/27/88	53 FR 144
NPRM Comment Period End	09/26/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Sheryl Morrow, Manager, Policy Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 328, Washington, DC 20227, 202 287-0308

RIN: 1510–AA09

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Final Rule Stage

2094. REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Significance: Agency Priority

Legal Authority: 31 USC 9301 to 9309

CFR Citation: 31 CFR 223, (Revision)

Legal Deadline: None

Abstract: The revision makes editorial changes, and contains substantive changes to sections concerning business experience, collateral and reinsurance requirements. Substantive changes include: 1) a 3-year aging requirement in order to qualify for Treasury certification, 2) elimination of the alternative to use collateral for protecting excess risks, and 3) a requirement that all reinsurance on Federal bonds be placed with companies recognized by Treasury for reinsurance purposes. The proposed regulations provide provisions for exceptions to the aging and reinsurance regulations under certain circumstances. These regulations will help Treasury ensure that certified companies are capable of carrying out their surety contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/05/87	52 FR 29039
NPRM Comment Period End	10/19/87	52 FR 37334
Final Action	11/30/89	
Final Action Effective	12/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Terry Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 401 14th Street, SW, Room 259, Washington, DC 20227, 202 287-3915

RIN: 1510–AA12

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Completed Actions

2095. REGULATIONS GOVERNING COMPENSATION FOR SERVICES RENDERED

Significance: Agency Priority

Legal Authority: 31 USC 3122; 31 USC 323; 12 USC 265; 12 USC 391

CFR Citation: 31 CFR 203; 31 CFR 214

Legal Deadline: None

Abstract: Revision of 31 CFR 203 Parts 203 and 214 will reduce the per item fees paid to depositaries for processing Federal tax deposits. The purpose of the revision is to remove specific references to the FTD fee structure from 31 CFR 203 and 214, and transfer the fee schedule to the Treasury Financial Manual.

Timetable:

Action	Date	FR Cite
NPRM	01/03/89	54 FR 40
NPRM Comment Period End	02/02/89	54 FR 40
Final Action	03/02/89	54 FR 8532
Final Action Effective	03/02/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: "OTHER (SPECIFY)"

Agency Contact: Michael C. Salapka, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, Room 420B, 401 14th Street, SW, Washington, DC 20227, 202 287-0590

RIN: 1510–AA14

[FR Doc. 89-7778 Filed 04-21-89; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 683]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291, entitled "Federal Regulations," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 3(a) of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of October 1989.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for the regulatory project.

For general information about this general notice, contact Lori Weins, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566-7626.

Issuance

By Direction of the Secretary of the Treasury, this general notice reads as set forth below.

Dated: February 10, 1989.

W. T. Drake,

Acting Director.

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2096	27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
2097	27 CFR 4.29 Late Harvest Labeling for Wine	1512-AA31
2098	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
2099	27 CFR 250 Recodification of 27 CFR Part 250 as 27 CFR Part 26	1512-AA69
2100	27 CFR 27 Recodification of 27 CFR Part 251 as 27 CFR Part 27	1512-AA72
2101	27 CFR 4.73 Standards of Fill for Wine and Distilled Spirits	1512-AA77
2102	27 CFR 16 Warning Labels on Alcoholic Beverages	1512-AA82
2103	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

Bureau of Alcohol, Tobacco and Firearms—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2104	27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
2105	27 CFR 9 American Viticultural Areas	1512-AA07
2106	27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
2107	27 CFR 197 Nonbeverage Drawback	1512-AA20
2108	27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
2109	27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word Light (Lite)	1512-AA48
2110	27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
2111	27 CFR 4 Winegrape Varietal Designations	1512-AA67
2112	27 CFR 4.35 Winemaking Terminology	1512-AA70
2113	27 CFR 4.24 Non-Generic Designations of Grape Wine Having Geographical Significance	1512-AA71
2114	27 CFR 4.32 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Disclosure of FD & C Yellow No. 6	1512-AA76
2115	27 CFR 5.39 Label Disclosure for Brandy Treated with Wood	1512-AA81
2116	27 CFR 55 Fireworks Regulations	1512-AA52
2117	27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2118	27 CFR 7 Use of Terms in the Labeling and Advertising of Malt Beverages Having an Alcohol Content of Less Than .5% by Volume	1512-AA73
2119	27 CFR 19 Fill Tolerance for Wine, and Technical Corrections Concerning Occupational Taxes Relating to Alcohol	1512-AA83

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Proposed Rule Stage

ALCOHOL

2096. RECODIFICATION OF 27 CFR PART 4

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: To revise the wine labeling and advertising regulations: where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA17

2097. LATE HARVEST LABELING FOR WINE

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4.29

Legal Deadline: None

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA31

2098. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA50

2099. RECODIFICATION OF 27 CFR PART 250 AS 27 CFR PART 26

Significance: Agency Priority

Legal Authority: 26 USC 7651 to 7652; PL 85-859; 26 USC 5314; 26 USC 7805

CFR Citation: 27 CFR 250

Legal Deadline: None

Abstract: As part of the recodification of Part 250, we plan to simplify, consolidate and or eliminate as many sections of regulations as possible placing particular emphasis on reducing the number of recordkeeping requirements, forms, and customs responsibilities. Wherever possible, we plan to utilize a proprietor's commercial records in lieu of requiring the proprietor to submit public use forms. These changes to Part 250 should considerably reduce the burden hours on industry.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20026, 202 566-7531

RIN: 1512–AA69

2100. RECODIFICATION OF 27 CFR PART 251 AS 27 CFR PART 27

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 27; 27 CFR 251

Legal Deadline: None

Abstract: To update and clarify regulations relating to the Importation of Distilled Spirits, Wine, and Beer and to incorporate related ATF Rulings into the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Colleen Then, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512–AA72

2101. STANDARDS OF FILL FOR WINE AND DISTILLED SPIRITS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.73; 27 CFR 5.47

TREAS—BATF **Proposed Rule Stage**

Legal Deadline: None

Abstract: ATF is considering amending the standard of fill requirements for wine and distilled spirits. Based, in part, on a petition it has received, the Bureau wishes to gather information by inviting comments from the public and industry concerning the existing standards of fill.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/87	52 FR 26385
ANPRM Comment Period Extended	08/14/87	52 FR 30390
ANPRM Comment Period End	08/24/87	
ANPRM Extended Comment Period End	10/23/87	
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512–AA77

2102. ● WARNING LABELS ON ALCOHOLIC BEVERAGES

Significance: Agency Priority

Legal Authority: 27 USC 215

CFR Citation: 27 CFR 16

Legal Deadline: Other, Statutory, February 16, 1989.
Temporary Rule with Notice

Abstract: This temporary rule implements the provisions of the Alcoholic Beverage Labeling Act of 1988, Title VIII of the Anti-Drug Abuse Act of 1988 (Public Law 100-690). The regulations implement the statute by requiring that a health warning statement appear on the labels of all containers of alcoholic beverages sold or distributed in the United States.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7164
Interim Final Rule	02/16/89	54 FR 7160
NPRM Comment Period End	04/03/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512–AA82

TOBACCO PRODUCTS

2103. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Significance: Agency Priority

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Legal Deadline: None

Abstract: To reduce or eliminate administrative and recordkeeping burdens under 27 CFR Part 285.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period End	10/02/84	
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Mary Wood, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512–AA33

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Final Rule Stage

ALCOHOL

2104. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Significance: Agency Priority

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Legal Deadline: None

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	03/27/87	52 FR 9873
NPRM Comment Period End	06/25/87	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7531**

RIN: 1512–AA06

2105. AMERICAN VITICULTURAL AREAS

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Legal Deadline: None

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Timetable:

Fredericksburg in the Texas Hill Country (contact R. White)
NPRM 02/19/88 (53 FR 4999)
NPRM Comment Period End 04/04/88
Final Action 12/22/88 (53 FR 51539)
Santa Clara Valley, CA (contact Ed Reisman)
NPRM 02/04/88 (53 FR 3214)
NPRM Comment Period End 03/07/88
Final Action 03/28/89 (54 FR 12603)
Stags Leap District, CA (contact Jim Ficaretta)
NPRM 02/11/87 (52 FR 4350)
NPRM Comment Period End 04/13/87
Final Action 01/27/89 (54 FR 4009)
Wild Horse Valley, CA (contact Ed Reisman)
NPRM 09/16/87 (52 FR 34924)
NPRM Comment Period End 11/02/87
Final Action 11/30/88 (53 FR 48244)

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: See supplemental timetable, American Viticultural Areas, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA07

2106. STANDARD OF IDENTITY FOR VODKA

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Legal Deadline: None

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	02/19/86	51 FR 6009
NPRM Comment Period End	05/20/86	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Brokaw, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA10

2107. NONBEVERAGE DRAWBACK

Significance: Agency Priority

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Legal Deadline: None

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	07/29/87	52 FR 28286
NPRM Comment Period End	10/29/87	
Final Action	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SMALL BUSINESSES COUNT: This regulation effects approximately 500 entities.

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA20

2108. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Significance: Agency Priority

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Legal Deadline: None

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/07/86	51 FR 8098
NPRM Comment Period End	07/07/86	
NPRM Comment Period Extended	07/08/86	51 FR 24719
NPRM Extended Comment Period End	12/31/86	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA42

2109. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD LIGHT (LITE)

Significance: Agency Priority

Legal Authority: 27 USC 205(e); 27 USC 205(f)

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Legal Deadline: None

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 28836
NPRM Comment Period End	11/10/86	
NPRM Comment Period Reopened	11/14/86	51 FR 41355
NPRM Reopened Comment Period End	12/31/86	
NPRM	06/17/88	53 FR 22678

TREAS—BATF **Final Rule Stage**

Action	Date	FR Cite
NPRM Comment Period End	08/15/88	
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Extended Comment Period End	11/15/88	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA48

2110. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Significance: Agency Priority

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Legal Deadline: None

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
NPRM Extended Comment Period End	03/01/85	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Robert White, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA61

2111. WINEGRAPE VARIETAL DESIGNATIONS

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4

Legal Deadline: None

Abstract: This proposal would establish standardized lists of winegrape varietal names which may be used on domestic wine labels. In addition we are proposing a method by which new names may be added to the list. These standardized lists will assure more accurate and truthful identification of the wine.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4392
NPRM Comment Period End	04/07/86	
NPRM Comment Period Extended	04/08/86	51 FR 11944
NPRM Extended Comment Period End	07/07/86	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7569**

RIN: 1512–AA67

2112. WINEMAKING TERMINOLOGY

Significance: Agency Priority

Legal Authority: 27 USC 205(e)

CFR Citation: 27 CFR 4.35

Legal Deadline: None

Abstract: ATF is proposing to define words denoting winemaking operations for use on wine labels in conjunction with the name and address of the bottler. This project partially fulfills the requirements of the court order in Wawskiewicz v. Department of the Treasury, 480 F. Supp. 739 (D.D.C. 1979), aff'd. in part, rev'd in part, 670 F.2d 296.

Timetable:

Action	Date	FR Cite
NPRM	05/29/86	51 FR 19361
NPRM Comment Period End	09/26/86	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Brokaw, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, **202 566-7626**

RIN: 1512–AA70

2113. NON-GENERIC DESIGNATIONS OF GRAPE WINE HAVING GEOGRAPHICAL SIGNIFICANCE

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.24

Legal Deadline: None

Abstract: This proposal expands the list of names officially recognized under 27 CFR Part 4, as being non-generic for the purposes of labeling and advertising of wine. This proposal is the result of petitions from numerous foreign countries for ATF recognition of non-generic wine designations which, in their view, denote distinctive national products. This proposal is also an outgrowth of one of the commitments made by the United States, in the Exchange of Letters of July 26, 1983 with the Commission of the European Communities, to work within the regulatory framework of 27 CFR Part 4, to prevent erosion of non-generic designations of geographic significance. For practical reasons it is being proposed that only "examples" of non-generic designations be listed in Part 4 while a complete list of all non-generic designations be listed in a new Part 12.

Timetable:

Action	Date	FR Cite
NPRM	04/12/88	53 FR 12024
NPRM Comment Period End	07/11/88	
NPRM Comment Period Extended	07/13/88	53 FR 26448
NPRM Extended Comment Period End	10/11/88	

TREAS—BATF **Final Rule Stage**

Action	Date	FR Cite
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Colozzi, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 535-6245

RIN: 1512–AA71

2114. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; DISCLOSURE OF FD & C YELLOW NO. 6

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.32; 27 CFR 5.32; 27 CFR 7.22

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations by requiring the mandatory disclosure of FD & C Yellow No. 6 on labels of alcoholic beverages, because of evidence indicating the possibility of allergic-type reactions to the color additive. As in the case of FD & C Yellow No. 5, which also requires label disclosure under existing regulations FD & C Yellow No. 6 is used infrequently in the production of alcoholic beverages being limited to mostly cocktails, liqueurs, and other specialty products.

Timetable:

Action	Date	FR Cite
NPRM	09/04/87	52 FR 33603
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512–AA76

2115. LABEL DISCLOSURE FOR BRANDY TREATED WITH WOOD

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.39

Legal Deadline: None

Abstract: ATF is proposing to amend the regulations in 27 CFR Part 5 concerning the wording, and placement, of the disclosure statement for brandy treated with wood.

Timetable:

Action	Date	FR Cite
NPRM	05/24/88	53 FR 18574
NPRM Comment Period Extended	08/16/88	53 FR 30848
NPRM Comment Period End	08/22/88	
NPRM Extended Comment Period End	11/22/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 200226, 202 566-7626

RIN: 1512–AA81

FIREARMS

2116. FIREWORKS REGULATIONS

Significance: Agency Priority

Legal Authority: 18 USC 841-848

CFR Citation: 27 CFR 55

Legal Deadline: None

Abstract: Information gathering on safe handling of explosive materials in the fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	07/20/88	53 FR 27452
NPRM Comment Period End	09/19/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7591

RIN: 1512–AA52

TOBACCO PRODUCTS

2117. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Significance: Agency Priority

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Legal Deadline: None

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	01/12/87	52 FR 1207
NPRM Comment Period End	03/13/87	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7531

RIN: 1512–AA28

DEPARTMENT OF THE TREASURY (TREAS)
Bureau of Alcohol, Tobacco and Firearms (BATF)

Completed Actions

2118. USE OF TERMS IN THE LABELING AND ADVERTISING OF MALT BEVERAGES HAVING AN ALCOHOL CONTENT OF LESS THAN .5% BY VOLUME

Significance: Agency Priority

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 7

Legal Deadline: None

Abstract: ATF is proposing to incorporate into the regulations two Rulings (Rev. Rul. 57-322 and ATF Rul. 85-11) regarding the use of the terms "Non-Alcoholic," "Alcohol-Free," "Near Beer," and "Cereal Beverage" in the labeling and advertising of Malt Beverages.

Timetable:

Action	Date	FR Cite
NPRM	10/30/86	51 FR 39666
NPRM Comment Period End	01/28/87	
Final Action	01/25/89	54 FR 3591
Final Action Effective	02/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington DC 20226, 202 566-7626

RIN: 1512–AA73

2119. ● FILL TOLERANCE FOR WINE, AND TECHNICAL CORRECTIONS CONCERNING OCCUPATIONAL TAXES RELATING TO ALCOHOL

Significance: Agency Priority

Legal Authority: Public Law 100-647

CFR Citation: 27 CFR 19; 27 CFR 20; 27 CFR 22; 27 CFR 194; 27 CFR 231; 27 CFR 240

Legal Deadline: None

Abstract: Provides a fill tolerance for wine; and provides exemptions from special (occupational) tax for the following: (1) agencies and instrumentalities of the United States who procure specially denatured or tax-free alcohol, (2) proprietors of taxpaid wine bottling houses (but only in regard to special tax imposed on them for making wholesale or retail sales at their taxpaid wine bottling house premises or at their principal business office), (3) wholesale (or retail) dealers in beer who subsequently become wholesale (or retail) liquor dealers at the same location in the same tax year, (4) certain educational institutions who procure less than 25 gallons of specially denatured alcohol per year for experimental or research use and (5) proprietors of small alcohol fuel plants who produce not more than 10,000 proof gallons of alcohol per year.

Timetable:

Action	Date	FR Cite
Final Action	03/28/89	54 FR 12607

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Additional Agency Contacts: James Hunt, ATF Coordinator Robert White, ATF Coordinator

Agency Contact: Steve Simon, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512–AA83

[FR Doc. 89-7101 Filed 04-21-89; 8:45 am]
BILLING CODE 4810-31-T

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on October 24, 1988 (53 FR 42328) are also included. It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda, contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda, contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries have been determined not to have a "significant impact on a substantial number of small entities," and therefore are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: February 21, 1989.

Robert L. Clarke,

Comptroller of the Currency.

TREAS—OCC

Comptroller of the Currency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2120	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
2121	12 CFR 32.2(d) Lending Limits	1557-AA32
2122	12 CFR 19 Rules of Practice and Procedure	1557-AA43
2123	12 CFR 4.19 Production of Documents and Testimony in Litigation Where the Comptroller or the Office is Not a Party	1557-AA57
2124	12 CFR 11, (New Subsection) Securities Exchange Act Disclosure Rules	1557-AA58
2125	12 CFR 16 Securities Offering Disclosure Rules	1557-AA65
2126	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA66
2127	12 CFR 4 Supervision of Bank Operations	1557-AA67
2128	12 CFR 5.33 Merger, Consolidation, Purchase and Assumption	1557-AA71
2129	12 CFR 32 Lending Limits	1557-AA72
2130	12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA75
2131	12 CFR 4 Description of Office, Procedures, Public Information	1557-AA77
2132	12 CFR 7.3400 Leasing of Personal Property	1557-AA80
2133	12 CFR 5.49 Receivership and Conservatorship	1557-AA82
2134	12 CFR 12.7 Recordkeeping and Confirmation Requirements for Securities Transactions	1557-AA84

Comptroller of the Currency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2135	12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
2136	12 CFR 21 Reports of Crimes and Suspected Crimes	1557-AA74

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2137	12 CFR 3 Minimum Capital Ratios; Issuance of Directives	1557-AA61
2138	12 CFR 1 Investment Securities Regulation	1557-AA78
2139	12 CFR 8 Assessment of Fees; National Banks; District of Columbia Banks	1557-AA79
2140	12 CFR 11 Securities Exchange Act Disclosure Rules	1557-AA81
2141	12 CFR 7.5015 Employee Stock Option and Stock Purchase Plans; Charges by National Banks	1557-AA83

DEPARTMENT OF THE TREASURY (TREAS)

Proposed Rule Stage

Comptroller of the Currency (OCC)

2120. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: Comments in response to a prior rulemaking Final Rule Docket No. 80-16 (46 FR 71571) published October 29, 1980 included recommendations that additional amendments should be made to 12 CFR 9. The OCC believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The OCC requested comments from the public as to the desirability and

feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. In view of the favorable disposition of litigation impacting on the fiduciary powers of national banks and collective investment funds (Investment Company Institute v. Clarke, 789 F.2d 175 (2d Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Conover, 790 F.2d 925 (D.C. Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. Clarke, 793 F.2d 220 (9th Cir. 1986), cert. denied, 55 U.S.L.W. 3316 (U.S. Nov. 4, 1986); Investment Company Institute v. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	47 FR 27833
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUED: Clarke No. 86-3725 (W.D.N.C. August 25, 1986), appeal withdrawn by stipulation, Jan. 6, 1987), the project has been reactivated. The effect on small entities will be considered in the development of this rulemaking.

Agency Contact: Donald N. Lamson, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557–AA04

2121. ● LENDING LIMITS

Legal Authority: 12 USC 84(b)(1); 12 USC 84(d)(1); 12 USC 93a

CFR Citation: 12 CFR 32.2(d)

Legal Deadline: None

Abstract: This rulemaking will revise the definition of a "contractual commitment to advance funds" in response to comments received on the Temporary Rule on National Bank Lending Limits, at 53 FR 23752 (June 24, 1988). Comments were generally in favor of the temporary rule, but expressed concern about its impact on banks which had not experienced a decline in capital. This proposed revision will address those concerns through an amendment to the definition of a "contractual commitment to advance funds." This action should benefit banks, returning to them some flexibility in monitoring their lending limits and outstanding loan commitments. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ellen C. Starr, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA32

2122. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1817(j); 12 USC 1818; 12 USC 1820; 15 USC 781(h); 15 USC 781(i); 15 USC 78o-4(c); 15 USC 78u; 15 USC 78w; 5 USC 554 to 557; PL 95-630; 12 USC 3102; 12 USC 3108(a)

CFR Citation: 12 CFR 19

Legal Deadline: None

Abstract: The proposed regulation will set forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Brenda Curry, Senior Attorney, Legislative and Regulatory Analysis Division, (202) 447-1632, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Robert L. Davis, Assistant Director, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557–AA43

2123. PRODUCTION OF DOCUMENTS AND TESTIMONY IN LITIGATION WHERE THE COMPTROLLER OR THE OFFICE IS NOT A PARTY

Legal Authority: 5 USC 301; 12 USC 481; 5 USC 552(b)(8)

CFR Citation: 12 CFR 4.19; 12 CFR 4.18(c); 12 CFR 7.6025(c); 12 CFR 4.18(a); 12 CFR 4.18(b)

Legal Deadline: None

Abstract: This rule governs the release by the OCC of confidential documents, especially reports of examination, and testimony for use in litigation in which the OCC is not a party. The OCC is considering changing the rule to spell out the exact requirements for a request for such release, and the situations under which release might be authorized. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lester N. Scall, Senior Trial Attorney, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1893**

RIN: 1557–AA57

2124. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11, (New Subsection)

Legal Deadline: None

Abstract: The proposed rule would require that more detailed and meaningful information be provided to shareholders and the OCC concerning banks' loan portfolios, including loans to borrowers in foreign countries experiencing liquidity problems, other sources of income and exposure to

risks. This will assist shareholders in evaluating proposals for mergers, consolidations, acquisitions and similar matters and will assist the OCC in administering and enforcing the Securities Exchange Act of 1934 as it applies to national banks. The OCC considered not proposing the additional amendments or proposing them as a general guide rather than a rule. However, the OCC determined it was appropriate to propose the additional requirements as amendments to Part 11 because the OCC believes the proposed requirements will help to clarify the types of disclosures which the OCC, shareholders and the public would consider material in analyzing various Exchange Act filings and statements. The proposed rule will also include amendments to update Part 11 to conform with recent amendments by the Securities and Exchange Commission to its Securities Exchange Act Disclosure Rules. The (CONT)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONTINUED: effect on small entities will be considered in the development of this rulemaking.

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA58

2125. SECURITIES OFFERING DISCLOSURE RULES

Legal Authority: 12 USC 1818; 12 USC 93a

CFR Citation: 12 CFR 16

Legal Deadline: None

Abstract: This regulation contains the OCC's disclosure requirements for securities offerings by national banks. The OCC is considering revisions which would clarify the coverage of the rule, specify the OCC's enforcement authority in connection with the rule, liberalize nonpublic offering requirements, provide for more meaningful disclosure requirements in public offerings, revise financial information requirements to be more consistent with 12 CFR 11, and where practicable, incorporate by reference provisions of 12 CFR 11. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
NPRM Comment Period End	08/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1954

RIN: 1557–AA65

2126. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: 12 USC 92a

CFR Citation: 12 CFR 9

Legal Deadline: None

Abstract: The OCC proposes to amend this regulation to clarify the requirements concerning national bank fiduciary investment of uninvested or undistributed cash in fiduciary accounts. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barrett Aldemeyer, Attorney, Department of the Treasury, Comptroller of the Currency, Legislative and Regulatory Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1632

RIN: 1557–AA66

2127. SUPERVISION OF BANK OPERATIONS

Legal Authority: 12 USC 481; 5 USC 552

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: The proposed regulation will set forth amendments to the existing description of supervision of bank operations by the Office of the Comptroller of the Currency. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James F. E. Gillespie, Jr., Assistant Director, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1893

RIN: 1557–AA67

2128. MERGER, CONSOLIDATION, PURCHASE AND ASSUMPTION

Legal Authority: 12 USC 93a; 12 USC 181; 12 USC 214a; 12 USC 215; 12 USC 215a; 12 USC 1828(c)

CFR Citation: 12 CFR 5.33; 12 CFR 11.590

Legal Deadline: None

Abstract: The OCC proposes to amend 12 CFR 5.33 to set forth the OCC's merger proxy statement filing requirements for banks that do not have a class of equity securities registered under the Securities Exchange Act of 1934 ("Exchange Act"), and to specify the disclosure that is required of such banks for various types of merger transactions. This action is expected to assist bank merger applicants in preparing their merger proxy materials, which are subject to OCC review and clearance pursuant to the OCC's merger procedures. The effect on small entities will be considered in development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Laura Plaze, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557–AA71

2129. LENDING LIMITS

Legal Authority: 12 USC 84; 12 USC 93a

CFR Citation: 12 CFR 32

Legal Deadline: None

Abstract: The OCC is considering several amendments to the lending limits regulation to simplify, clarify and improve that regulation. A temporary rule on loan commitments has been issued. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
Technical correction to temporary rule	06/24/88	53 FR 23757
Temporary rule effective	06/24/88	53 FR 23752
Temporary rule with request for comment	06/24/88	53 FR 23752
Temporary rule comment period end	09/22/88	53 FR 23752
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: James F. E. Gillespie, Jr., Assistant Director, Department of the Treasury, Comptroller of the Currency, Litigation Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1893**

RIN: 1557–AA72

2130. RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12

Legal Deadline: None

Abstract: This rulemaking will update 12 CFR 12 in light of the final regulations issued July 24, 1987 (52 FR 27910) by the Department of the Treasury as required by the Government Securities Act of 1986. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Investment Securities, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1901**

RIN: 1557–AA75

2131. DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Legal Authority: 5 USC 552; EO 12600

CFR Citation: 12 CFR 4

Legal Deadline: None

Abstract: This proposed regulation implements recent amendments to the Freedom of Information Act (FOIA). The amendments concern Exemption 7 of the FOIA (relating to law enforcement records) and the provisions of the FOIA concerning fees and fee waivers. In addition, the proposed regulation implements Executive Order 12600, which deals with predisclosure notification procedures for confidential commercial information. This proposed regulation also makes technical changes to the OCC's existing FOIA regulation. The proposed regulation, and the OCC's FOIA regulations in general, affect public disclosure of information by the OCC. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Dean DeBuck, Freedom of Information Officer, (202) 447-1800, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Sanford Brown, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA77

2132. LEASING OF PERSONAL PROPERTY

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.3400

Legal Deadline: None

Abstract: The proposed regulation will interpret new statutory lease financing authority provided to national banks by Section 108 of the Competitive Equality Banking Act of 1987, codified at 12 USC 24(10). The OCC is considering what prudential guidelines, if any, are needed, in order to ensure that national banks conduct this new activity safely. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ellen C. Starr, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA80

2133. ● RECEIVERSHIP AND CONSERVATORSHIP

Legal Authority: 12 USC 93a; 12 USC 191

CFR Citation: 12 CFR 5.49

Legal Deadline: None

Abstract: The proposed regulation will clarify the standards of insolvency the OCC may use in determining whether to appoint a receiver under 12 USC 191. Specifically, the rulemaking describes the net worth and liquidity tests. The rulemaking is intended to state OCC

procedures clearly, to conform those procedures more closely to GAAP and to evaluate an insolvent bank's true financial condition. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	09/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Kennard L. Page, National Bank Examiner, Special Supervision Division, (202) 447-1719, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ferne Fishman Rubin, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA82

2134. ● RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES TRANSACTIONS

Legal Authority: 12 USC 24; 12 USC 92a

CFR Citation: 12 CFR 12.7

Legal Deadline: None

Abstract: This rulemaking would broaden an exemption from requirements that banks maintain certain records and establish certain written policies and procedures. Under the proposal, the current exemption for banks with an average of less than 200 securities transactions per year is expanded to 1,000 transactions per year. The purpose of broadening the exemption from 200 transactions per year to 1,000 transactions per year is to reduce the regulatory burden on small banks.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Kerr, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Investment Securities, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1901**

RIN: 1557–AA84

DEPARTMENT OF THE TREASURY (TREAS)

Comptroller of the Currency (OCC)

Final Rule Stage

2135. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 5

Legal Deadline: None

Abstract: The OCC is engaged in a continuing review of its rules, policies, and procedures governing corporate activities. The OCC proposes to provide clarification of the OCC's ability to impose conditions on transactions between a bank and its subsidiaries; to add 12 CFR 5.36 to require notification to the OCC of certain equity investments which national banks are authorized by statute to make; to outline the responsibility of the applicants for accurate and complete filings; to centralize the OCC's distribution of forms; and to make several miscellaneous technical amendments. These proposals are expected to benefit the OCC by assisting the OCC in fulfilling its responsibility for maintaining the safety and soundness of national banks and the national banking system, and to improve OCC efficiency. The effect on small entities is considered in the development of each rulemaking. If adopted as final rules, the changes to Part 5 will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Equity Investments NPRM Public Comment Period End 03/28/89	01/27/89	54 FR 4038
Operating Subsidiaries NPRM Public Comment Period End 03/28/89	01/27/89	54 FR 4038
Applicants' Responsibility	06/00/89	
Change in Bank Control	06/00/89	
Forms Distribution	06/00/89	
Technical Amendments	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Sheila Ogilvie, National Bank Examiner/Senior Licensing Policy and Systems Analyst, Bank Organization and Structure Division, (202) 447-1184, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557–AA00

2136. REPORTS OF CRIMES AND SUSPECTED CRIMES

Legal Authority: 12 USC 93a; 12 USC 1818; 12 USC 1881 to 1884

CFR Citation: 12 CFR 21

Legal Deadline: None

Abstract: This regulation revises the two criminal referral forms, raises the threshold for filing criminal referrals where no suspect has been identified, and clarifies the filing requirement as far as reporting financial crimes where no loss is incurred by the bank, such as money laundering, bank bribery, and Bank Secrecy Act violations. These revisions are intended to clarify the filing requirement for these reports and will tend to reduce the overall number of criminal referral reports to be filed by national banks. This regulation will not have a significant economic impact

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on a substantial number of small banks or other small entities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/11/88	53 FR 7881
Interim Final Rule Comment Period End	05/10/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joel Miller, Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557–AA74

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

2137. MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Significance: Regulatory Program

Legal Authority: 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3

Legal Deadline: None

Abstract: The OCC is amending 12 CFR Part 3 by adopting an Appendix A thereto which contains risk-based capital guidelines. The OCC's current capital regulations provide a disincentive to national banks holding low risk assets, because the same amount of capital is required to be held against those assets that must be maintained against a highly risky and high yielding asset. Furthermore, the current capital regulations, which are based on total assets, do not take account of a bank's off-balance sheet activities. The effect of the risk-based capital guidelines will be to individualize bank capital requirements by tying them to the riskiness of a particular bank's assets and off-balance sheet activities. This rulemaking will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/86	51 FR 10602
ANPRM Comment Period End	06/25/86	51 FR 10602
NPRM	06/17/87	52 FR 23045
NPRM Comment Period End	08/17/87	52 FR 23045
NPRM	03/15/88	53 FR 8550
NPRM Public Comment Period End	05/13/88	
Final Action	01/27/89	54 FR 4168
Final Action Effective	12/31/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACTS: Jennifer Kelly, National Bank Examiner, Commercial Activities Division, (202) 447-1164; Larry Winter, National Bank Examiner, Multinational and Regional Bank Analysis Division, (202) 447-1747; 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Sanford Brown, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 **447-1880**

RIN: 1557–AA61

2138. INVESTMENT SECURITIES REGULATION

Legal Authority: PL 97-35, Sec 1342(a); 12 USC 24(7); PL 98-473, Title I

CFR Citation: 12 CFR 1

Legal Deadline: None

Abstract: The OCC is amending 12 CFR 1 to make two nonsubstantive changes in the regulation. The first change in the regulation incorporates the existing statutory authority of national banks to underwrite and deal in obligations of the African Development Bank and the Inter-American Investment Corporation. The second change deletes from the regulation an outdated and unnecessary provision describing procedures for banks to request OCC rulings. This final rule will not have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
Final Action	01/13/89	54 FR 01333
Final Action Effective	01/13/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Owen Carney, Director, Investment Securities, (202) 447-1901, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Horace Sneed, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA78

2139. ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Legal Authority: 12 USC 481; 12 USC 482; 12 USC 3102; 26 DC Code 102

CFR Citation: 12 CFR 8

Legal Deadline: None

Abstract: The OCC is revising the semiannual assessment schedule for national banks, District of Columbia banks, and federally licensed branches and agencies of foreign banks. The revised schedule replaces the current schedule for assessments due by January 31, 1989, and beyond. Assessments are increased by 14 percent. This revision is necessary due to a predicted revenue shortfall which results from decreased revenue growth and increased supervisory responsibilities brought on by the increasing complexity of the financial services industry and the deteriorated condition of many national banks. This action will permit the OCC to continue to fulfill its statutory responsibilities. This final rule will not have a significant impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	08/19/88	53 FR 31705
NPRM Correction	09/06/88	53 FR 34307
NPRM Comment Period End	09/19/88	
NPRM Extension of Public Comment Period	09/20/88	53 FR 36556
Final Action	12/01/88	53 FR 48624
Final Action Effective	01/03/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Roy C. Madsen, Associate Director, Financial Management Division, (202) 447-0956, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Ferne Fishman Rubin, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1880**

RIN: 1557–AA79

2140. ● SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78p; 15 USC 78w

CFR Citation: 12 CFR 11

Legal Deadline: None

Abstract: The OCC is publishing technical amendments to its Securities Exchange Act Disclosure Rules codified at 12 CFR 11. The technical amendments involve minor adjustments or additions to the language of certain sections to conform more clearly to long-standing OCC interpretation of the sections. This final rule will not have a significant impact on a substantial number of small banks or other small entities.

Timetable:

Action	Date	FR Cite
Final Action	10/28/88	53 FR 43677
Final Action Effective	10/28/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1954**

RIN: 1557–AA81

2141. ● EMPLOYEE STOCK OPTION AND STOCK PURCHASE PLANS; CHARGES BY NATIONAL BANKS

Legal Authority: 12 USC 93a

CFR Citation: 12 CFR 7.5015; 12 CFR 7.8000

Legal Deadline: None

Abstract: This final rule makes technical amendments to 12 CFR 7.5015, relating to employee stock option and stock purchase plans, and 12 CFR 7.8000, which governs charges by national banks. The rule removes from 12 CFR 7.5015 a reference to 12 CFR 13.1, which was rescinded in 1980. Separately, the rule restores to 12 CFR 7.8000 language inadvertently omitted from its codification following an amendment in 1984. This final rule will not have a significant impact on a substantial number of small banks or other small entities.

Timetable:

Action	Date	FR Cite
Final Action	12/22/88	53 FR 51535
Final Action Effective	12/22/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Horace Sneed, Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW., Washington, DC 20219, **202 447-1880**

RIN: 1557–AA83

[FR Doc. 89-7102 Filed 04-21-89; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Harold Singer, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2119, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulations," require semiannual publication, in April and October of each year, or an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are under agency review. Customs agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an

approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, the status of projects referred to in previously published agendas is shown. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

Dated: March 13, 1989.

Harvey R. Fox,

Director, Office of Regulations and Rulings.

United States Customs Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2142	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22
2143	19 CFR 134 Country of Origin Marking	1515-AA59
2144	19 CFR 134 Country of Origin Marking of Jewelry	1515-AA66
2145	19 CFR 162 Highest Degree of Care and Diligence to Prevent Unmanifested Narcotics and Marijuana	1515-AA67
2146	19 CFR 24 Statement Processing and Automated Clearinghouse	1515-AA72
2147	19 CFR 132 Filling Absolute Quota	1515-AA76

United States Customs Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2148	19 CFR 4 Customs User Fees	1515-AA50
2149	19 CFR 4 Harbor Maintenance Fee	1515-AA57
2150	19 CFR 128 Clearance of Cargo Carried by Express Consignment Operators or Carriers	1515-AA64
2151	19 CFR 192 Exportation of Used Self-Propelled Vehicles	1515-AA65
2152	19 CFR 4 Conforming Customs Regulations to Harmonized System of Tariff Classification	1515-AA68
2153	19 CFR 122 Overflight Exemptions for Private Aircraft; Fingerprinting Requirements	1515-AA69
2154	19 CFR 141 Changing Maximum Amount for Informal Entries to $1250	1515-AA70
2155	19 CFR 177 Certain Administrative Procedures	1515-AA71
2156	19 CFR 12 Import Sanctions Against the Toshiba Machine Company and The Kongsberg Trading Company	1515-AA74
2157	19 CFR 10 United States-Canada Free Trade Agreement	1515-AA75

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2158	19 CFR 141 Entry of Consolidated Shipments	1515-AA56
2159	19 CFR 113 Continuous Importation and Entry Bond Secured by Corporate Sureties	1515-AA60
2160	19 CFR 122.25 Air Ambulance Operators -- Overflight Exemptions	1515-AA62
2161	19 CFR 4.7a Unique Bill of Lading	1515-AA63
2162	19 CFR 18 Seals On Railcars	1515-AA73

DEPARTMENT OF THE TREASURY (TREAS)

United States Customs Service (CUSTOMS)

Proposed Rule Stage

2142. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation. 19 CFR 19; 19 CFR 144

Legal Deadline: None

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as

store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period End	09/19/83	
Notice of Status	07/07/86	51 FR 24535
Congressional Action PL 100-418	08/23/88	
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 4414, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515–AA22

2143. COUNTRY OF ORIGIN MARKING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1304; 19 USC 1624

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the requirement that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the U.S., the English name of the country of origin of the article. Proposal would require that whenever the full or abbreviated name of a country or place other than the country of origin, or a symbol readily associated with a country or place other than the country of origin appears anywhere on a foreign article or its container, then the actual country of origin of the article must be marked on the article or its container in close proximity to each reference to the country or place not the country of origin, or a hang tag or sticker affixed to a highly conspicuous portion of the article.

Timetable:

Action	Date	FR Cite
NPRM in Treasury Review	02/22/88	
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, Room 2212, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5765

RIN: 1515–AA59

2144. COUNTRY OF ORIGIN MARKING OF JEWELRY

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (Gen. Hdnt. 11); 19 USC 1304; 19 USC 1624; PL 100-418, Omnibus Trade and Competitiveness Act of 1988

CFR Citation: 19 CFR 134

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the country of origin marking of jewelry. More permanent methods of marking are proposed to avoid removal of country of origin identifications from jewelry, particularly Native American style jewelry, after importation, but before sale to consumers often for the purpose of deceptively representing the merchandise as made in the U.S. The proposed rule will limit the permanent marking requirement to the smallest practicable portion of imported jewelry that will ensure that imported jewelry is permanently identified with the country of origin. For jewelry covered under the proposed rule, previous methods permitting country of origin marking for jewelry using adhesive labels or string tags would be permitted only where the size of the article does not permit more permanent marking methods. For other articles, the changes will require that jewelry be indelibly marked with the country of origin by cutting, die-sinking, engraving, stamping, or some other equally permanent methods, or with a similarly marked plastic or metal tag.

Timetable:

Action	Date	FR Cite
NPRM	02/10/89	54 FR 6418
NPRM Comment Period End	04/11/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: A proposed interpretive rule was published on July 15, 1986 (51 FR 25574) soliciting comments on a proposal to require that all foreign-made Native American-style jewelry be indelibly marked with the country of origin by cutting, die-sinking, engraving or stamping. In response to the notice, 92 written comments were received. Thirty-five of the comments supported the proposal that all foreign-made Native American-style jewelry be permanently marked with the country of origin; 42 favored the permanent marking of all foreign-made silver jewelry; 11 commenters said that all foreign-made jewelry should be permanently marked; and one commenter favored permanent marking of all imported gold and silver jewelry. On August 23, 1988, Congress enacted PL 100-418, which, among other things, requires the indelible and permanent marking on all imported Native American-style jewelry. The final rule will implement this law, taking into consideration public comments on the revised proposal concerning ways in which the type of jewelry subject to permanent marking might be reduced while accomplishing the statutory objective.

Agency Contact: Lorrie Rodbart, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Ave., NW, Room 2104, Washington, DC 20229, 202 566-5765

RIN: 1515–AA66

2145. HIGHEST DEGREE OF CARE AND DILIGENCE TO PREVENT UNMANIFESTED NARCOTICS AND MARIJUANA

Significance: Agency Priority

Legal Authority: 19 USC 1584; 19 USC 1594; 19 USC 1595a; 21 USC 960; 21 USC 961; PL 99-570

CFR Citation: 19 CFR 162

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to the liability of common carriers to penalties, seizure and forfeiture for unmanifested narcotic drugs or marijuana. The proposed changes would add to the regulations the statutory standard for the highest degree of care and diligence on the part of common carriers in preventing unmanifested drugs and marijuana. It also sets forth specific duties and procedures by which the standard is defined and against which compliance with the standard can be determined. These duties and procedures include such security measures as background investigations of employees, access restrictions to cargo areas, use of

TREAS—CUSTOMS **Proposed Rule Stage**

lighting in storage areas, and similar measures.

Timetable:

Action	Date	FR Cite
NPRM	01/31/89	54 FR 4835
NPRM Comment Period End	04/03/89	
Final Action	08/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harriet D. Blank, Attorney, Department of the Treasury, United States Customs Service, Room 2131, 1301 Constitution Ave., NW, Washington, DC 20229, 202 566-8317

RIN: 1515–AA67

2146. ● STATEMENT PROCESSING AND AUTOMATED CLEARINGHOUSE

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 58a to 58c; 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-662; 19 USC 197; 19 USC 198; 19 USC 1648

CFR Citation: 19 CFR 24; 19 CFR 132; 19 CFR 141; 19 CFR 142; 19 CFR 143

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to provide users of Customs Automated Broker Interface with the option of paying their entry/entry summaries and entry summaries by the statement processing method and to require ABI filers who use statement processing to pay their statements through the use of the Automated Clearinghouse electronic payment mechanism. Further, entries of quota class merchandise and other special classes of merchandise designated by Customs Headquarters would be permitted to be paid through statement processing.

Timetable:

Action	Date	FR Cite
NPRM	03/09/89	54 FR 10019
NPRM Comment Period End	05/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Childress, ACS Specialist, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2343, Washington, DC 20229, 202 566-0778

RIN: 1515–AA72

2147. ● FILLING ABSOLUTE QUOTA

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 132

Legal Deadline: None

Abstract: Amend Customs Regulations to provide that importers may not transfer allotment from one port of entry to another for absolute quotas that fill at opening. Procedure will reduce labor required by Customs in processing absolute quota merchandise, expedite the release of merchandise and provide more timely statistical information.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7781
NPRM Comment Period End	04/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Cooper, Operations Officer, Department of the Treasury, United States Customs Service, Room 2379, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8592

RIN: 1515–AA76

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Final Rule Stage

2148. CUSTOMS USER FEES

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1624; 31 USC 9701; PL 99-272

CFR Citation: 19 CFR 4; 19 CFR 6; 19 CFR 24; 19 CFR 111; 19 CFR 123; 19 CFR 145

Legal Deadline: Final, Statutory, July 7, 1986.

Abstract: Amends Customs Regulations to provide for payment of specific fees to Customs for the processing of persons, aircraft, vehicles and merchandise arriving in the U.S. as well as for the payment of an annual fee by Customs brokers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/86	51 FR 21152
Final Rule Pending internal decision	05/01/88	
Final Action Effective	09/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Denise Crawford, Operations Officer, Department of the Treasury, United States Customs Service, Room 4133, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-9425

RIN: 1515–AA50

2149. HARBOR MAINTENANCE FEE

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 623; 19 USC 1624; 31 USC 9701; PL 99-272; PL 99-509; PL 99-662

CFR Citation: 19 CFR 4; 19 CFR 24; 19 CFR 146; 19 CFR 178

Legal Deadline: Final, Statutory, April 1, 1987.

Abstract: Amendments to the Customs Regulations to implement provisions of the Water Resources Development Act of 1986 which authorizes Customs to assess a harbor maintenance fee of 0.04 percent (.0004) on the value of commercial cargo loaded on or unloaded from a commercial vessel at a port unless specifically exempted from the fee. Proceeds of the fee are deposited in a trust fund for the U.S. Army Corps of Engineers to use for the improvement and maintenance of U.S. ports and harbors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/87	52 FR 10198

TREAS—CUSTOMS

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule Public Comment Period End	08/28/87	
Comments being analyzed	02/08/88	
Final Action	09/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Patricia Barbare, Department of the Treasury, United States Customs Service, Room 4118, 1301 Constitution Ave., NW, Washington, DC 20229, 202 566-8301

RIN: 1515–AA57

2150. CLEARANCE OF CARGO CARRIED BY EXPRESS CONSIGNMENT OPERATORS OR CARRIERS

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1484; 19 USC 1498; 19 USC 1551; 19 USC 1555; 19 USC 1556; 19 USC 1565; 19 USC 1624

CFR Citation: 19 CFR 128

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to set forth revised special informal entry procedures applicable to the entry and clearance of cargo carried by the various entities which comprise the express consignment industry and to further refine and expand upon the existing procedures which recognize the special needs of the growing express consignment industry. The member countries of the Customs Cooperation Council have recently examined the industry and associated issues and have adopted international guidelines which established various definitions, including the term "Express Consignment Operators or Carriers." The overwhelming growth of this industry requires Customs to provide more expedited clearance procedures. The amendments will promote uniform, fair and consistent treatment of the various courier and express air services, while at the same time better assuring the protection of the revenue in accord with all applicable laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/16/87	52 FR 47729
NPRM Comment Period End	02/16/88	
In Treasury Review	03/09/89	
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vincent Dantone, Operations Officer, Department of the Treasury, United States Customs Service, Room 4137, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515–AA64

2151. EXPORTATION OF USED SELF-PROPELLED VEHICLES

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 1627; 19 USC 1627a; 19 USC 1646a

CFR Citation: 19 CFR 192

Legal Deadline: None

Abstract: An amendment to the Customs Regulations to add a new part concerning the exportation of used self-propelled vehicles. It sets forth the requirements for lawful exportation of such vehicles as well as the penalties and liabilities for attempted unlawful exportation. These regulations are necessary to implement certain provisions of the Motor Theft Law Enforcement Act of 1984 and the Trade and Tariff Act of 1984 dealing with the unlawful exportation of used self-propelled vehicles.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8303
NPRM Comment Period End	05/18/87	
NPRM Second	08/18/88	53 FR 31367
NPRM public comment period end	10/17/88	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: After consideration of the comments received in response to the previous notice proposing this change certain modifications were made. Accordingly, the document has been modified and is being republished to allow all affected persons an opportunity to submit comments before any final decisions are made.

Agency Contact: Louis Razzino, Operations Officer, Department of the Treasury, United States Customs Service, Room 4144, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-2140

RIN: 1515–AA65

2152. ● CONFORMING CUSTOMS REGULATIONS TO HARMONIZED SYSTEM OF TARIFF CLASSIFICATION

Significance: Agency Priority

Legal Authority: 5 USC 310; 19 USC 66; 19 USC 1624; 19 USC 1202; 19 USC 1448; 19 USC 1484; 19 USC 1557; 19 USC 1559; 19 USC 81a to 81u; 19 USC 1751; 19 USC 1401a; 19 USC 1500; 19 USC 1313; 5 USC 552; 31 USC 483a; ...

CFR Citation: 19 CFR 4; 19 CFR 7; 19 CFR 10; 19 CFR 11; 19 CFR 12; 19 CFR 18; 19 CFR 19; 19 CFR 24; 19 CFR 54; 19 CFR 101; 19 CFR 103; 19 CFR 111; 19 CFR 113; 19 CFR 114; 19 CFR 122; ...

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Amends the Customs Regulations by removing all references to the Tariff Schedule of the United States and inserting in their stead the appropriate Harmonized Tariff Schedule of the United States reference.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/88	53 FR 51244
Comment Period End	03/21/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hubbard L. Valenick, Attorney, Department of the Treasury, United States Customs Service, Room 2146, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-8530

RIN: 1515–AA68

2153. ● OVERFLIGHT EXEMPTIONS FOR PRIVATE AIRCRAFT; FINGERPRINTING REQUIREMENTS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 19 USC 1509

CFR Citation: 19 CFR 122

Legal Deadline: None

Abstract: Amendment to Customs Regulations to provide fingerprint

requirement as part of the application process for all usual and anticipated pilots and crew members seeking overflight exemptions for flights that do not involve air ambulance operations or the non-emergency transport of persons seeking medical treatment in the U.S. Amendment will allow Customs to conduct more thorough background investigations on applicants and thus provide better control over air traffic arriving from the direction of countries that are major sources of illegal drugs.

Timetable:

Action	Date	FR Cite
NPRM	01/24/89	54 FR 3490
NPRM Comment Period End	03/27/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn Ross, Inspector, Department of the Treasury, United States Customs Service, Room 4413, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-5607**

RIN: 1515–AA69

2154. ● CHANGING MAXIMUM AMOUNT FOR INFORMAL ENTRIES TO $1250

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624; 19 USC 1481; 19 USC 1498; 19 USC 1315

CFR Citation: 19 CFR 141; 19 CFR 143; 19 CFR 145

Legal Deadline: None

Abstract: Amendment to Customs Regulations to raise the limit for informal entry to the statutory maximum of $1250.

Timetable:

Action	Date	FR Cite
NPRM	01/24/89	54 FR 3492
NPRM Comment Period End	03/27/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Rosoff, Chief, Entry Rulings Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2301, Washington, DC 20229, **202 566-5856**

RIN: 1515–AA70

2155. ● CERTAIN ADMINISTRATIVE PROCEDURES

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1624; PL 96-39; PL 100-690

CFR Citation: 19 CFR 177

Legal Deadline: Final, Statutory, April 1, 1989.

Abstract: Amendments to the Customs Regulations relating to: promoting uniformity in decisions made by Customs officers; creating district ruling program; circumstances under which the effective date of a Customs ruling can be delayed; the obligations of a recipient of a tariff classification ruling; and the elimination of the "clearly wrong" test as the standard by which Customs determines whether certain established and uniform practices should be changed.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8208
NPRM Comment Period End	03/29/89	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Roth, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2211, Washington, DC 20229, **202 566-5868**

RIN: 1515–AA71

2156. ● IMPORT SANCTIONS AGAINST THE TOSHIBA MACHINE COMPANY AND THE KONGSBERG TRADING COMPANY

Significance: Agency Priority

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (General Note 8, HTSUS); PL 100-418

CFR Citation: 19 CFR 12

Legal Deadline: None

Abstract: Legislatively mandated import sanctions imposed on Toshiba Machine Company and Kongsberg Trading Company products for a three-year period.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4780
Interim Final Rule Effective	01/31/89	
Comment Period End	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Interim Rule implements Executive Order 12661; issued December 28, 1988. Final Rule will be issued after analysis of comments.

Agency Contact: William Rosoff, Chief, Entry Rulings Branch, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2301, Washington, DC 20229, **202 566-5856**

RIN: 1515–AA74

2157. ● UNITED STATES-CANADA FREE TRADE AGREEMENT

Significance: Agency Priority

Legal Authority: 19 USC 66; 19 USC 1202; 19 USC 1481; 19 USC 1484; 19 USC 1499; 19 USC 1508; 19 USC 1623; 19 USC 1624; 19 USC 58; 19 USC 1498

CFR Citation: 19 CFR 10; 19 CFR 24; 19 CFR 148

Legal Deadline: Final, Statutory, January 1, 1989.

Abstract: Amends the Customs Regulations to implement the duty preferences of the United States-Canada Free Trade Agreement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/23/88	53 FR 51762
Comment Period End	02/21/89	
Comment Period Extended	03/23/89	54 FR 10322
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Valentine, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW., Room 2307, Washington, DC 20229, **202 566-8181**

RIN: 1515–AA75

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Completed Actions

2158. ENTRY OF CONSOLIDATED SHIPMENTS

Legal Authority: 19 USC 66; 19 USC 1448; 19 USC 1484; 19 USC 1624

CFR Citation: 19 CFR 141; 19 CFR 178

Legal Deadline: None

Abstract: Amendment to the Customs Regulations relating to entry procedures for consolidated shipments of imported merchandise. The amendment would ensure that if individual shipments of merchandise having various consignees are consolidated into a large shipment, the entry would not be made by a broker, or at a port of entry, designated by the consignee named in the master bill of lading or master air waybill if any individual bill of lading or individual air waybill within that shipment specifies a different broker, or port of entry, for making entry, or that entry will be made by the actual owner or purchaser.

Timetable:

Action	Date	FR Cite
NPRM	11/04/87	52 FR 42310
NPRM Comment Period End	02/18/88	
In Customs review	07/08/88	
Withdrawn	02/01/89	54 FR 5091

Small Entities Affected: None

Government Levels Affected: None

Additional Information: After consideration of the comments received in response to the previous notice proposing this change, and meetings with affected persons, it has been determined that many people did not understand the proposal. Accordingly, the document has been modified and it should be republished to allow all affected persons an opportunity to submit comments before any final decisions are made.

Agency Contact: William Rosoff, Attorney, Department of the Treasury, United States Customs Service, Room 2215, 1301 Constitution Avenue, NW., Washington, DC 20229, **202 566-5856**

RIN: 1515–AA56

2159. CONTINUOUS IMPORTATION AND ENTRY BOND SECURED BY CORPORATE SURETIES

Legal Authority: 19 USC 66; 19 USC 1484; 19 USC 1551; 19 USC 1565; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 113

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to provide that a continuous importation and entry bond secured by a corporate surety may only be filed with Customs under cover of a letter signed by an authorized officer or agent of that surety. Such an amendment would protect the Government from unnecessary delays in receiving payment from sureties of an importer's liabilities, for which the surety is also responsible, when the surety denies liability because it claims to have no record of the bond upon which the demand is made.

Timetable:

Action	Date	FR Cite
NPRM	09/18/87	52 FR 35274
NPRM Comment Period End	11/17/87	
Project Withdrawn	01/15/89	
Withdrawn - held in abeyance - no action at this time.	01/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Lawlor, Attorney, Department of the Treasury, United States Customs Service, Room 2215, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5706**

RIN: 1515–AA60

2160. AIR AMBULANCE OPERATORS -- OVERFLIGHT EXEMPTIONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624; 49 USC 1474; 49 USC 1509

CFR Citation: 19 CFR 122.25

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to ease restrictions on air ambulance flights.

Timetable:

Action	Date	FR Cite
TD in Customs Review	01/26/88	
Final Action	02/03/89	54 FR 5427
Final Action Effective	03/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Glenn Ross, Operations Officer, Department of the Treasury, United States Customs Service, Room 4416, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5607**

RIN: 1515–AA62

2161. UNIQUE BILL OF LADING

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1624; 46 USC 3; 46 USC 91; 46 USC 2103

CFR Citation: 19 CFR 4.7a

Legal Deadline: None

Abstract: Amendment to the Customs Regulations to require that each bill of lading which accompanies a shipment of imported cargo carried by vessel possess a unique 12 character identifier. This identifier will serve to distinguish the particular bill of lading from other bills of lading issued by that carrier or issuer and from bills issued by others. The identifier is designed to enable Customs Automated Commercial System to more accurately track the progress of cargo from its arrival to its release.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46602
NPRM Comment Period End	02/08/88	
In Treasury Review	08/15/88	
Final Action	10/26/88	53 FR 43197
Final Action Effective	03/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robin Landis, Operations Officer, Department of the Treasury, United States Customs Service, Room 4140, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-8151**

RIN: 1515–AA63

2162. ● SEALS ON RAILCARS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202 (General Note 8, HTSUS); 19 USC 1551; 19 USC 1552; 19 USC 1553; 19 USC 1624; 19 USC 1322

CFR Citation: 19 CFR 18; 19 CFR 24; 19 CFR 123

Legal Deadline: None

TREAS—CUSTOMS **Completed Actions**

Abstract: Deletion of requirement that railcars from Canada transiting the United States in-bond be sealed with green in-bond seals.

Timetable:

Action	Date	FR Cite
Final Action	03/23/89	54 FR 11944
Final Action Effective	03/23/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michelle Struzzeri, Attorney, Department of the Treasury, United States Customs Service, Room 2222, 1301 Constitution Avenue, NW., Washington, DC 20229, 202 566-5656

RIN: 1515–AA73

[FR Doc. 89-7103 Filed 04-21-89; 8:45 am]

BILLING CODE 4820-02-T

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations that the Internal Revenue Service will be developing from April 1, 1989, through March 31, 1990. Determinations with respect to the agenda were made as of January 31, 1989. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Robert Boyer, or Carroll Field, (202) 566-3935, (not a toll-free call), Regulations Unit, Office of the Assistant Chief Counsel (Corporate), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attention: CC:CORP:T:R.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act both require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in October of 1989.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of January 31, 1989, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Offices of the Assistant Chief Counsel (Corporate), Assistant Chief Counsel (Financial Institutions and Products), Assistant Chief Counsel (Income Tax and Accounting), Assistant Chief Counsel (Passthroughs & Special Industries), Assistant Chief Counsel (Employee Benefits and Exempt Organizations), Associate Chief Counsel (International), and the General Litigation Division of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: the title, priority status; its effect, if any, on small business; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under additional information there is provided the control number of the project within the Chief Counsel's office, and the names and telephone numbers of the drafting and the reviewing attorneys.

By direction of the Secretary of the Treasury.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Internal Revenue Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2163	26 USC 0079 Update and Gender-neutralize Mortality Table used to Determine Permanent Group-term Life Insurance Benefits	1545-AK50
2164	26 USC 0130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
2165	26 USC 0183 Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
2166	26 USC 0367 (e) Regulations under Section 367 (e)	1545-AL34
2167	26 USC 0367 (e) Regulations under Section 367 (e)	1545-AL35
2168	26 USC 0368 Income Tax--Cross-Reference-Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB29
2169	26 USC 0482 Section 482 Regulations	1545-AL80
2170	26 USC 0482 Section 482 Cost Sharing Regulations	1545-AM00
2171	26 USC 0834 Interest Deduction under Section 834(c)(5)	1545-AL07
2172	26 USC 0861 Income Tax - Interest and Dividends of 80-20 Companies	1545-AJ58
2173	26 USC 0897 (c) (3) FIRPTA Cleanup	1545-AJ72
2174	26 USC 0932 Source Rules within the Virgin Islands	1545-AL40
2175	26 USC 0952 Subpart F - Use of Deficits	1545-AJ71

TREAS—IRS

Internal Revenue Service—Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2176	26 USC 0987 Computation of a Branch's Taxable Income Taxation of Exchange Gain or Loss on Branch Remittances	1545-AM12
2177	26 USC 4081 Modification of the Gasahol Regulations to Increase the Tolerance Allowed to the 10 Percent Alcohol Mixture and to Clarify the Later Blending Rules	1545-AM86
2178	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
2179	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
2180	26 USC 7702 Definition of Life Insurance Contract	1545-AL08

Internal Revenue Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2181	26 USC 0001 Income Tax--Deduction for Bus Operating Authorities and Freight	1545-AJ18
2182	26 USC 0055 Income Tax--Alternative Minimum Tax	1545-AE80
2183	26 USC 0055 Alternative Minimum Tax for Individuals	1545-AJ86
2184	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL02
2185	26 USC 0057 Income Tax-Minimum Tax. Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
2186	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK20
2187	26 USC 0061 Taxation, Valuation, and Reporting of "Frequent Flyer" or Similar Bonus Payments	1545-AK02
2188	26 USC 0061 Amendment to the Regulations under Section 61 to Conform the Treatment of Bond Premium Income to the Consistent Yield Method	1545-AL92
2189	26 USC 0072 Loans Treated as Distributions	1545-AE41
2190	26 USC 0089 Nondiscrimination Rules for Non-Pension Employee Benefit Plans	1545-AI78
2191	26 USC 0103 To Provide Regulations Under Section 147 (b)--Relating to Limitation on Maturity of Private Activity Bonds	1545-AE69
2192	26 USC 0103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
2193	26 USC 0103 Definition of "Reissuance" Under Section 103	1545-AI65
2194	26 USC 0103A To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
2195	26 USC 0108 Income Tax--Discharge of Indebtedness	1545-AA67
2196	26 USC 0111 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
2197	26 USC 0117 (d) Qualified Tuition Reductions	1545-AI13
2198	26 USC 0119 (d) Income Tax--Tax Treatment of Faculty Housing	1545-AJ21
2199	26 USC 0141 Definition of "Private Activity Bond", "Qualified Bond"	1545-AM01
2200	26 USC 0142 Tax-exempt Bonds for Residential Rental Projects	1545-AJ66
2201	26 USC 0144 Income tax--Student Loan Bonds	1545-AJ42
2202	26 USC 0145 Qualified 501 (c) (3) Bonds	1545-AJ39
2203	26 USC 0146 State Volume Cap for Tax-exempt Bonds	1545-AJ37
2204	26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds; Rebate Requirement	1545-AJ67
2205	26 USC 0148 General Revision of Arbitrage Regulations	1545-AL90
2206	26 USC 0149 Advance Refundings	1545-AL91
2207	26 USC 0162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
2208	26 USC 0162 Deductions with respect to noncash Fringe Benefits	1545-AM40
2209	26 USC 0162 (g) Definition of Related Violation	1545-AK83
2210	26 USC 0163 Qualified Residence Interest	1545-AL67
2211	26 USC 0163 Prohibition on Foreign Targeting Obligations Backed by United States Government Securities	1545-AM19
2212	26 USC 0168 Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
2213	26 USC 0168 Modification of ACRS	1545-AJ38
2214	26 USC 0168 Normalization Requirements for Public Utility Property: Inconsistent Procedures and Adjustments	1545-AM87
2215	26 USC 0170 Income Tax -- to Provide Regulations Relating to Contributions to Private Foundations	1545-AI09
2216	26 USC 0174 Definition of Research and Experimental Expenditures under Section 174 of the Code	1545-AM92
2217	26 USC 0179 Election to Expense Certain Depreciable Assets	1545-AL74
2218	26 USC 0195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
2219	26 USC 0245 Deduction for Dividends Received from Certain Foreign Corporations	1545-AL94
2220	26 USC 0246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
2221	26 USC 0263A Capitalization of Certain Pension, etc. Costs	1545-AI92
2222	26 USC 0263A (f) Notice of Proposed Rulemaking -- Capitalization of Interest Expense	1545-AK01
2223	26 USC 0267 (a) (3) Withholding on Accounts Payable to Related Parties	1545-AL97

TREAS—IRS

Internal Revenue Service—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2224	26 USC 0274 Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
2225	26 USC 0280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
2226	26 USC 0302 Waiver of Family Attribution by Entities	1545-AF13
2227	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK29
2228	26 USC 0336 Cross-reference--Recognition of gain or loss on liquidating sales and distributions of property (TRA 1986; sections 631 to 633)	1545-AK90
2229	26 USC 0337 Application of General Utilities Repeal Regulatory Authority to RICs and REITs	1545-AL65
2230	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AK25
2231	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition under Section 338 (h) (10)	1545-AK31
2232	26 USC 0338 Treatment of an affiliated group of corporations as a selling consolidated group for purposes of elective recognition under section 338 (2)(10)	1545-AM49
2233	26 USC 0367 Section 361 Outboard Transfers of Property to Foreign Corporations	1545-AM97
2234	26 USC 0367 (b) Foreign Liquidations and Reorganizations (NPRM)	1545-AJ78
2235	26 USC 0368 Corporate Reorganization Amendments - Bankruptcy Tax Act of 1980	1545-AK33
2236	26 USC 0382 Income Tax--Limitation on Corporate Net Operating Loss Deduction	1545-AI99
2237	26 USC 0382 Computation of Section 382 Limitation	1545-AK27
2238	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK26
2239	26 USC 0384 Limitation on Use of Preacquisition Losses to Offset Built-in Gains	1545-AM48
2240	26 USC 0401 Defined Benefit Plan Terminations and the Reversion of Assets	1545-AF81
2241	26 USC 0401 (a) (26) Income Tax - - Part 1--Additional Participation Requirements	1545-AK46
2242	26 USC 0401 (a) (4) Nondiscrimination Requirements for Qualified Plans	1545-AM95
2243	26 USC 0403 Nondiscrimination and other Rules Applicable to Section 403(b) Annuities	1545-AI90
2244	26 USC 0404 Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
2245	26 USC 0409 Income Tax--Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
2246	26 USC 0409 Inc. Tax -- Part 1; Estate Tax -- Part 20, Employee Stock Ownership Plan Rules Affected by TRA 1986	1545-AI87
2247	26 USC 0410 (b) Coverage Rules	1545-AK41
2248	26 USC 0410(b) Special Rules in Merger and Acquisition	1545-AM94
2249	26 USC 0412 Revising the Drafting of the Full Funding Limitation for Purposes of the Minimum Funding Requirement for Pension Plans	1545-AL53
2250	26 USC 0414 (r) Definition of Line of Business	1545-AL23
2251	26 USC 0419 Treatment of Funded Welfare Benefit Plans	1545-AG14
2252	26 USC 0442 Inc. Tax--Part 1--Amendment of section 1.442-1 to Provide Simplified Procedures for Changes of Annual Accounting Period by Certain Exempt Organizations	1545-AI68
2253	26 USC 0446 Blocked Income	1545-AL85
2254	26 USC 0453 Income Tax -- Gain or Loss on the Disposition of an Installment Obligation	1545-AB41
2255	26 USC 0453 Income Tax--Installment Sales Between Related Parties	1545-AB45
2256	26 USC 0453 Income Tax--Installment Sales Revision Act of 1980, Regulations Relating to Wrap-Around Mortgages	1545-AB46
2257	26 USC 0453 Income Tax Regulations--Part I. Installment Sales by Nontaxable Entities	1545-AF73
2258	26 USC 0453 Income Tax Regulations--Part 1--Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
2259	26 USC 0457 Income Tax -- Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations	1545-AI89
2260	26 USC 0460 Accounting for Long-term Contracts	1545-AJ28
2261	26 USC 0461 (h) Income Tax Regulations--The Economic Performance Requirement	1545-AH32
2262	26 USC 0465 Extension of the At-Risk Rules	1545-AF86
2263	26 USC 0465 Aggregation of Certain Activities for Purposes of the At-Risk Rules	1545-AI02
2264	26 USC 0465 Application of At-risk Limitations to the Holding of Real Property	1545-AK08
2265	26 USC 0467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
2266	26 USC 0469(l) Limitations on Passive Activity Losses and Credits - Definition of Activity	1545-AM88
2267	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK64
2268	26 USC 0514 Income Tax--Unrelated Trade or Business Income	1545-AE00
2269	26 USC 0585 Repeal of Bad Debt Reserve Method: Foreign Issues	1545-AL83
2270	26 USC 0595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
2271	26 USC 0612 Income Tax--Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
2272	26 USC 0643 Property Distributed in Kind and Treatment of Multiple Trusts (Sec: 81 and 82 of The Tax Reform Act of 1984)	1545-AI06

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2274	26 USC 0667 Accumulation Trusts	1545-AM78
2275	26 USC 0672 Income Taxation of Trusts and Estates	1545-AJ20
2276	26 USC 0704 (c) Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
2277	26 USC 0706 Income Tax--Items Allocated to Portion of Year Partner Held Interest	1545-AB81
2278	26 USC 0707 Income Tax--Treatment of Payments to Partners Not Acting in Their Capacity as Partners	1545-AG83
2279	26 USC 0707 Amendment of Income Tax Regulations with Respect to Treatment of Disguised Sales by Partners	1545-AH22
2280	26 USC 0724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
2281	26 USC 0842 (b) Foreign Insurance Companies	1545-AL82
2282	26 USC 0846 Income Tax Regulations--Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AJ51
2283	26 USC 0852 (b) Treatment of Certain Losses Attributable to Periods After October 31 of a Taxable Year of a Regulated Investment Company	1545-AM55
2284	26 USC 0860A Income Tax--Essential Issues Relating to Real Estate Mortgage Investment Conduits	1545-AJ35
2285	26 USC 0860F Income Tax--Real Estate Mortgage Investment Conduits (REMICs); Reporting Requirements and Other Administrative Matters	1545-AM99
2286	26 USC 0863 Transportation Income Source Rules	1545-AJ68
2287	26 USC 0863 Proposed Income Tax Regulations under the Tax Reform Act of 1986 -- Source of Income Rules for Income Derived from Space and Ocean Activities Including Telecommunications	1545-AJ84
2288	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps under Section 863 (a)	1545-AL25
2289	26 USC 0864 (c) (6) Treatment of Deferred Payments and Appreciation Arising Out of Business Conducted Within the US	1545-AM53
2290	26 USC 0865 Source Rules for Personal Property Sales	1545-AJ83
2291	26 USC 0871 Employment Taxes--Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM30
2292	26 USC 0872 (b) Income Tax - Reciprocal Exemptions for Certain Transportation Income	1545-AJ57
2293	26 USC 0876 Exclusion of Possession Source Income from Gross Income of Certain Individuals and Treatment of Corporations Organized in Guam, Samoa or CNMI	1545-AJ80
2294	26 USC 0882 Untimely Filing by Foreign Corporations	1545-AJ74
2295	26 USC 0882 Computation of Interest Expense Deduction	1545-AL84
2296	26 USC 0897 Income Tax -- Partnership Rules Regarding Taxation of Foreign Investment in United States Real Property Interests	1545-AL77
2297	26 USC 0902 Deemed Paid Credit under Sections 902 and 960 Determined on Accumulated Basis	1545-AL98
2298	26 USC 0904 (c) Carryback and Carryforward of Foreign Tax Credits	1545-AM18
2299	26 USC 0904 (d) Separate application of section 904 with respect to certain categories of Income	1545-AM54
2300	26 USC 0904 (f) Clarification of Treatment of Separate Limitation Losses	1545-AM11
2301	26 USC 0905 Treatment of Shareholders of Passive Foreign Investment Companies	1545-AC06
2302	26 USC 0905 Suspension of Requirement to File a Receipt for Foreign Taxes Paid on a Return for Foreign Taxes Accrued	1545-AM43
2303	26 USC 0907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
2304	26 USC 0932 Coordination of U.S. and Virgin Islands Taxes	1545-AJ55
2305	26 USC 0932 (b) Regulations under section 932(b)	1545-AM89
2306	26 USC 0936 (d) (4) CBI Investments of section 936 funds	1545-AM91
2307	26 USC 0936 (h) Amendment of Section 936(h) with Respect to Election of Product	1545-AK77
2308	26 USC 0953 (c) Insurance Income	1545-AJ70
2309	26 USC 0955 Subpart F Shipping Amendments	1545-AM46
2310	26 USC 0986 Tax Accounting elections in computing earnings and profits of foreign corporations	1545-AM90
2311	26 USC 0988 Section 988(d) - Integrated Hedging Rules for Foreign Exchange gain or loss	1545-AL15
2312	26 USC 0988 Taxation of Exchange Gain or Loss on Foreign Currency Denominated Transactions	1545-AL16
2313	26 USC 0993 DISC Regulations	1545-AM05
2314	26 USC 1031 Rules Relating to the Inapplicability of Section 1031 to Partnership Interests and the Limitation on the Period During Which Like Kind Exchanges May Be Made	1545-AH43
2315	26 USC 1059 Income Tax--Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
2316	26 USC 1092 Income Tax--Tax Straddles	1545-AC21
2317	26 USC 1248 Income Tax--Gain from Sale or Exchange of Stock in Foreign Corporations	1545-AC31
2318	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL88
2319	26 USC 1248 Section 1248 Sales and Earnings and Profits	1545-AM42
2320	26 USC 1253 Income Tax--To Clarify Tax Treatment of Transfers of Franchises, Trademarks, & Trade Names	1545-AC34
2321	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil, Gas, Geothermal or Other Mineral Properties by S Corporations and their Shareholders	1545-AM98

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2322	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI59
2323	26 USC 1276 Disposition Gain Representing Accrued Market Discount Treated as Ordinary Income; Deferral of Interest Deduction Allocable to Accrued Market Discount	1545-AH82
2324	26 USC 1286 Income Tax-Treatment of Stripped Bonds and Stripped Coupon	1545-AH75
2325	26 USC 1295 QEF Shareholder Election	1545-AM41
2326	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
2327	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
2328	26 USC 1367 Income Tax--Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
2329	26 USC 1371 Income Tax--Application of Subchapter C Rules to S Corporations	1545-AE90
2330	26 USC 1374 Cross-reference--Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK93
2331	26 USC 1377 Income Tax--Definitions and Special Rules Pertaining to S Corporation	1545-AE94
2332	26 USC 1441 Revised Withholding Tax Regulation to Modify "As soon as Practical" Requirements	1545-AL19
2333	26 USC 1446 Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL30
2334	26 USC 1492 Nontaxable Transfers under Section 1491	1545-AL96
2335	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AC47
2336	26 USC 1502 Income Tax--Application of Section 465 At Risk Limitations to Members that Join in Filing Consolidated Returns	1545-AC55
2337	26 USC 1502 Income Tax--Deletion of the Requirement of Section 1.1502-47 (d) (12) (v) (C) That, in Applying Tacking Rule, Profitable and Loss Life Activities Not Be Separated	1545-AI98
2338	26 USC 1502 Cross-Reference--Consolidated return investment adjustments with respect to an acquired subsidiary's built-in gains or losses	1545-AK94
2339	26 USC 1502 Consolidated Returns	1545-AL44
2340	26 USC 1502 Revision of Section 1.1502-33	1545-AL60
2341	26 USC 1502 Amendment of Consolidated Return Regulations to Address Treatment of Certain Organizations Whose Tax-Exempt Status was Revoked by the 1986 Act	1545-AL64
2342	26 USC 1502 Payment of Refunds to Certain Fiduciaries of Insolvent Members of Affiliated Groups	1545-AM74
2343	26 USC 1502 Cross Reference - Treatment of Distributors after the Sale of a Subsidiary	1545-AN01
2344	26 USC 1503 (d) Dual Resident Companies-Limitation on Consolidated Losses	1545-AM16
2345	26 USC 1504 Income Tax--Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
2346	26 USC 1504 Income Tax -- Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
2347	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
2348	26 USC 2032 Estate Tax--Valuation of Certain Farm, etc. Real Property	1545-AC62
2349	26 USC 2036 Estate Tax - Inclusion of Estate Freezes	1545-AM59
2350	26 USC 2056 Alien Spouse Marital Deduction	1545-AM85
2351	26 USC 2663 Estate Tax-Generation-Skipping Transfer Tax	1545-AL75
2352	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
2353	26 USC 3306 Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
2354	26 USC 3405 Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
2355	26 USC 3405 (d) (13) Withholding on Certain Deferred Payments Outside the United States	1545-AL31
2356	26 USC 3406 To Provide Regulations Relating to Backup Withholding Under Section 3406	1545-AE20
2357	26 USC 3406 Clarifying amendments to section 35a.3406-1 regarding backup withholding due to an incorrect TIN	1545-AM51
2358	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
2359	26 USC 4181 Revision of Section 48.4181-1(a)(2) of the Manufacturers and Retailers Excise Tax Regulations relating to the tax on firearm parts and accessories	1545-AL72
2360	26 USC 4611 Income Tax, Excise Tax, and Environmental Tax--Imposition of Taxes on Petroleum, Certain Chemicals, and Corporations and Additional Excise Taxes on Certain Fuels	1545-AJ23
2361	26 USC 4671 Tax on Certain Imported Substances	1545-AL73
2362	26 USC 4911 Income Tax--Lobbying by Public Charities and Private Foundations	1545-AE02
2363	26 USC 4940 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
2364	26 USC 4980 Excise Tax -- Part 54, Reversion of Qualified Plan Assets to Employer	1545-AI82
2365	26 USC 6011 Electronic Filing of Tax Returns	1545-AL01
2366	26 USC 6033 Amendment of Section 1.6033-2 (g) (5) Relating to Returns by an Integrated Auxiliary of a Church	1545-AI52
2367	26 USC 6038A Information with Respect to Certain Foreign-Owned Corporations	1545-AJ56
2368	26 USC 6039D Returns, etc. on Certain Fringe Benefit Plans	1545-AI22
2369	26 USC 6039E Information Regarding Resident Status	1545-AJ93
2370	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AM38
2371	26 USC 6046A Income Tax Regulations relating to Returns as to Interests in Foreign Partnerships	1545-AK75
2372	26 USC 6047 Reporting of Plan Distributions	1545-AL54

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Sequence Number	Title	Regulation Identifier Number
2373	26 usc 6049 Income Tax--To Require Issuers of Certificates of Deposit to Furnish Issue Price to Brokers	1545-AK36
2374	26 USC 6081 Extension of Time to File for Taxpayers Traveling Outside the United States	1545-AM06
2375	26 USC 6159 Agreements for Payment for Tax Liability in Installments	1545-AM66
2376	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545-AD23
2377	26 USC 6244 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
2378	26 USC 6311 Procedure and Administration Regulations--Payment of Taxes by Check or Money Order and Liability of Financial Institutions for Unpaid Taxes	1545-AI24
2379	26 USC 6323 Notice of Lien on Personal Property	1545-AM64
2380	26 USC 6325 Procedure and Administration--Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
2381	26 USC 6326 Administrative Appeal of the Filing of Notice of Federal Tax Lien	1545-AM62
2382	26 USC 6331 Levy and Distraint	1545-AM70
2383	26 USC 6332 Effect of Honoring a Levy	1545-AM72
2384	26 USC 6416 Gasoline Excise Tax Definitions, Notification of Registration Requirements, and Section 6416 Procedures	1545-AL69
2385	26 USC 6501 Procedure and Administration Regulations--Extension of the Period for Assessment of Tax in Certain Circumstances	1545-AI23
2386	26 USC 6502 Collection After Assessment	1545-AM71
2387	26 USC 6621 Differential interest rates and expanded crediting of overpayments against underpayments	1545-AK06
2388	26 USC 6655(j) Determining Large Corporation Status for Consolidated Return Groups Paying Estimated Tax	1545-AM75
2389	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements and Understatements, and Increase in the Negligence Penalty	1545-AD39
2390	26 USC 6695 Use of Facsimile Signatures by Income Tax Return Preparers of Forms 1041, U.S. Fiduciary Income Tax Returns	1545-AL49
2391	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
2392	26 USC 7425 Forfeiture of Land Sales Contract With Respect to Discharge of Federal Tax Lien	1545-AK24
2393	26 USC 7425 Redemptions of Real Property Under IRC 7425 - Excess Expenses	1545-AL20
2394	26 USC 7429 Review of Jeopardy Levy and Assessment Procedures	1545-AM68
2395	26 USC 7432 Civil Damages for Failure to Release Lien	1545-AM63
2396	26 USC 7433 Civil Causes of Action for Damages Sustained Due to Certain Unauthorized Actions by I.R.S.	1545-AM65
2397	26 USC 7520 Estate and Gift Tax Valuation Tables	1545-AM81
2398	26 USC 7605 Procedures Involving Taxpayer Interviews (Time and Place of Examination)	1545-AM69
2399	26 USC 7609 Procedure and Administration - Suspension of Statutes of Limitations in Absence of Third-Party Recordkeeper Response to Summons	1545-AK72
2400	26 USC 7609 Extension of Statute of Limitations in John Doe Summons Disputes	1545-AM67
2401	26 USC 7624 Procedure and Administration Regulations--Reimbursement for State and Local Law Enforcement Agencies	1545-AN00
2402	26 USC 7654 Cover Over of Income Taxes	1545-AL18
2403	26 USC 7704 Certain Publicly Traded Partnerships Treated as Corporations	1545-AL57
2404	26 USC 7805 The Time and Manner of Making Certain Elections under the Technical and Miscellaneous Revenue Act of 1988	1545-AN03
2405	42 USC 0664 Proposed Amendments to the Procedure and Administration Regulations under the Child Support Enforcement Amendments of 1984 Relating to the Reduction of Tax Overpayments by Amounts Etc	1545-AH99

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2406	26 USC 0001 Treatment of Exempt-Interest Dividends as Tax Preference Item	1545-AM39
2407	26 USC 0025 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
2408	26 USC 0025 Income Tax--Information Reporting for Mortgage Credit Certificates	1545-AI39
2409	26 USC 0042 Low-income Housing Credit Allocation Rules and Information Reporting Requirements	1545-AJ65
2410	26 USC 0042 Clarification of Determination of Bad Debt Experience under Nonaccrual-experience Method of Accounting	1545-AK92
2411	26 USC 0042 Low-Income Housing Credit for Federally-Assisted Buildings acquired during 10-year period	1545-AL05
2412	26 USC 0042 Low Income Housing Credit Recapture Rule	1545-AL12
2413	26 USC 0042 To Clarify the Terms "Building" and "Placed in Service" for Purposes of Section 42	1545-AM03
2414	26 USC 0044 Income Tax--Credit for Increasing Research Activities	1545-AA07
2415	26 USC 0047 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06

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2416	26 USC 0048 Income Tax--Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property Is Financed by Subsidized ETC	1545-AA26
2417	26 USC 0056 Net Book Income Adjustment for U.S. Branches of Foreign Corporations	1545-AK23
2418	26 USC 0056 Income Tax--Inventory Adjustment for the Alternative Minimum Tax	1545-AL03
2419	26 USC 0058 Tax Benefit Rule for Corporate Add-On Minimum Tax under the Internal Revenue Code of 1954	1545-AK21
2420	26 USC 0061 Income Tax--Taxation of Fringe Benefits and Exclusions from Gross Income for Certain Fringe Benefits	1545-AH73
2421	26 USC 0067 2-Percent Floor on Miscellaneous Itemized Deductions	1545-AJ49
2422	26 USC 0071 Treatment of Transfer of Property between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AI49
2423	26 USC 0079 Uniform Premium Tables	1545-AM96
2424	26 USC 0101 (d) Income Tax Regulations--Mortality Tables to be Used to Determine Amount Held by Insurer with respect to a Beneficiary	1545-AK14
2425	26 USC 0103 Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
2426	26 USC 0103 Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
2427	26 USC 0103 Income Tax--Mortgage Subsidy Bonds	1545-AA63
2428	26 USC 0103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18
2429	26 USC 0103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
2430	26 USC 0103 Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
2431	26 USC 0103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
2432	26 USC 0116 Partial Exclusion of Dividends and Interest Received by Individuals	1545-AM73
2433	26 USC 0117 Exclusion of Qualified Scholarships and Fellowships from Gross Income	1545-AJ87
2434	26 USC 0125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
2435	26 USC 0126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
2436	26 USC 0131 Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
2437	26 USC 0132 Income Tax--Prizes and Awards	1545-AJ19
2438	26 USC 0148 Arbitrage Restrictions on Tax-exempt Bonds; Rebate Requirement	1545-AJ81
2439	26 USC 0149 Information Reporting for Tax-exempt Bonds	1545-AJ63
2440	26 USC 0162 (k) Continuation Coverage Requirements of Group Health Plans	1545-AI93
2441	26 USC 0163 Income Tax Regulations--Limitations on Deductions for Nonbusiness Interest	1545-AK17
2442	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM22
2443	26 USC 0163 Registration Requirements with Respect to Certain Debt Obligations	1545-AM23
2444	26 USC 0165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
2445	26 USC 0167 Normalization Requirements for Public Utility Property: Inconsistent Procedures and Adjustments	1545-AM60
2446	26 USC 0168 Income Tax--Accelerated Cost Recovery System	1545-AA87
2447	26 USC 0168 Tax-Exempt Entity Leasing	1545-AH76
2448	26 USC 0170 Deductions in Excess of $5000 Claimed by a Subchapter C Corporation for Charitable Contributions of Certain Property	1545-AL09
2449	26 USC 0216 Provisions Relating to Cooperative Housing Corporations	1545-AJ96
2450	26 USC 0219 Individual Retirement Plans and Simplified Employee Pensions	1545-AD59
2451	26 USC 0219 Individual Retirement Plans, Simplified Employee Pensions, and Qualified Voluntary Employee Contributions	1545-AD66
2452	26 USC 0263A Capitalization and Inclusion in Inventory Costs of Certain Expenses	1545-AK05
2453	26 USC 0263A (f) Temporary Regulation--Capitalization of Interest Expense Relating to Production of Property	1545-AK03
2454	26 USC 0267 Regulations Under Section 267 of the Code to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
2455	26 USC 0269 Income Tax--Personal Service Corporations	1545-AF11
2456	26 USC 0274 (d) Income Tax--Substantiation Requirements with Respect to Listed Property and Substantiation Requirements Relating to the Taxation of Fringe Benefits	1545-AJ40
2457	26 USC 0280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
2458	26 USC 0280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
2459	26 USC 0304 Affiliated Groups	1545-AL41
2460	26 USC 0336 Income Tax--Part 1 Temporary Regulations-Recognition of Gain or Loss Liquidating Sales and Distributions of Property (TRA 1986, sections 631 to 633)	1545-AJ01
2461	26 USC 0336 Certain Stock Sales and Distributions Treated as Asset Transfers	1545-AK30
2462	26 USC 0337 Application of General Utilities Repeal Regulatory Authority to Certain Distributions under Section 355	1545-AM34
2463	26 USC 0338 Deemed Sale Price When Certain Stock Purchases Are Treated as Asset Acquisitions	1545-AF29
2464	26 USC 0338 Income Tax-Elections Under Section 338, as Added by Section 224 of the Tax Equity and Fiscal Responsibility Act of 1982 as Amended by the Technical Corrections Act of 1982	1545-AF38

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2465	26 USC 0338 Regulations Under Section 338 (h) (10) as Added to the Code by Section 306 of the Technical Corrections Act of 1982, Relating to Special Elective Recognition of Gain or Loss	1545-AF93
2466	26 USC 0338 Questions and Answers Relating to Domestic Matters under Section 338 of the Internal Revenue Code of 1954 - Cross Reference to the Temporary Regulations	1545-AH88
2467	26 USC 0338 Statements of Election and Due Dates	1545-AI53
2468	26 USC 0338 Mandatory Application of MADSP Formula for Determination of Deemed Sale Price for Old Target's Assets	1545-AJ07
2469	26 USC 0338 Treatment of an Affiliated Group of Corporations as a Selling Consolidated Group for Purposes of Elective Recognition under Section 338 (h) (10)	1545-AK32
2470	26 USC 0338 Application of Installment Method to Deemed Sale of Assets	1545-AM84
2471	26 USC 0358 Income Tax--Triangular Reorganizations, Basis and Other Consequences	1545-AB21
2472	26 USC 0367 Amendment of the Income Tax Regulations under Section 367 of the Code (transfers to foreign corporations) to Reflect Section 131 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AK74
2473	26 USC 0367 (b) Income Tax--Part 1--Temporary-Whether Earnings and Profits Should be Allocated to an Acquiring CFC from an Acquired CFC Following a Non-Recognition Transaction	1545-AI32
2474	26 USC 0367 (b) Foreign Liquidations and Reorganizations (Temporary Regulations)	1545-AJ76
2475	26 USC 0368 Income Tax--Temporary Regulations--Reorganizations Involving Financially Troubled Thrift Institutions	1545-AB28
2476	26 USC 0368 Income Tax--Exchange Funds	1545-AB31
2477	26 USC 0382 Income Tax--Ownership Change	1545-AJ00
2478	26 USC 0382 Computation of Section 382 Limitation	1545-AK87
2479	26 USC 0382 Section 382 Limitation on Groups Filing Consolidated Returns	1545-AL36
2480	26 USC 0382 Allocation of a Loss Corporation's Income or Loss for the Taxable Year that Includes the Change Date Between the Periods Ending With and After the Change Date	1545-AL58
2481	26 USC 0383 Special Limitations on Certain Credit and Loss Carryovers	1545-AK28
2482	26 USC 0401 Income Tax--Refund of Mistaken Contributions	1545-AD68
2483	26 USC 0401 Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
2484	26 USC 0401 (k) Cash or Deferred Arrangements (Tax Reform Act of 1986)	1545-AI79
2485	26 USC 0401 (l) Income Tax -- Part 1-- Application of Nondiscrimination Rules to Integrated Plans	1545-AI86
2486	26 USC 0401 (m) Nondiscrimination Requirements for Employer Matching Contributions and Employee Contributions	1545-AI80
2487	26 USC 0404A Income Tax--Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
2488	26 USC 0408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF83
2489	26 USC 0411 Inc. Tax -- Part 1 -- Benefit Accrual Beyond Normal Retirement Age	1545-AI85
2490	26 USC 0411 Income Tax - Part 1 - Minimum Vesting Standards	1545-AI88
2491	26 USC 0412 Income Tax--Excise Tax Regulations--Funding for Qualified Plans	1545-AD84
2492	26 USC 0414 Income Tax--Employees of an Affiliated Service Group	1545-AD90
2493	26 USC 0414 Income Tax Regulations--Affiliated Service Groups and Employee Leasing	1545-AE91
2494	26 USC 0414 Definition of "Highly Compensated Employee" and "Compensation"	1545-AI91
2495	26 USC 0441 Taxable Years of Certain Entities	1545-AK63
2496	26 USC 0444 Election of Taxable Year Other Than Required Year By Partnerships, S Corporations and Personal Service Corporations	1545-AL68
2497	26 USC 0448 Limitation of the Use of the Cash Method of Accounting	1545-AJ52
2498	26 USC 0448 Nonaccrual-experience Method of Accounting-- Clarification of Amounts Determined to be Uncollectible	1545-AM33
2499	26 USC 0451 Accounting for Long-Term Contracts; Corporations Filing Consolidated Returns With a Contractor	1545-AI19
2500	26 USC 0453 Income Tax--General Rules for Installment Sales	1545-AB42
2501	26 USC 0453 Income Tax--Installment Obligations Received from a Liquidating Corporation	1545-AB43
2502	26 USC 0453 Income Tax--Installment Obligations Received in Transactions in which Gain or Loss is Generally Not Recognized	1545-AB44
2503	26 USC 0453 Income Tax--Installment Method Reporting by Dealers in Personal Property	1545-AB47
2504	26 USC 0453 Transitional Rule Relating to Certain Installment Sales by Manufacturers to Dealers	1545-AL55
2505	26 USC 0453A Income Tax Regulations--Part 1. Installment Sale by Dealers in Personal Property	1545-AF71
2506	26 USC 0453C Certain Indebtedness Treated as Payments on Installment Obligations	1545-AM37
2507	26 USC 0458 Income Tax--Exclusion from Gross Income with Respect to Magazines, Paperbacks, and Record Returns After Close of Taxable Year	1545-AB48
2508	26 USC 0461 (h) Temporary Income Tax Regulations--The Economic Performance Requirement	1545-AH33
2509	26 USC 0464 Income Tax--Limitation on Deductions in Case of Farming Syndicates	1545-AB51
2510	26 USC 0465 Income Tax--Determination of Amounts at Risk with Respect to Certain Activities	1545-AB52
2511	26 USC 0465 Aggregation of Certain Activities for purposes of the at-risk rules	1545-AI41
2512	26 USC 0469 Limitations on Passive Activity Losses and Credits	1545-AB26
2513	26 USC 0469 Limitations on Passive Activity Losses and Credits - Miscellaneous Issues	1545-AM58
2514	26 USC 0469 Allocation of Interest Expense Among Expenditures	1545-AM83

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Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2515	26 USC 0469 (l) Limitations on Passive Activity Losses and Credits : Definition of activity	1545-AK62
2516	26 USC 0469(l)(4) Special Rules for Allocation of Interest Expense Among Expenditures in the Case of Passthrough Entities	1545-AM79
2517	26 USC 0472 Income Tax--Three-Year Averaging for Increases in Inventory Value when Electing LIFO Method of Accounting	1545-AB55
2518	26 USC 0501 Income Tax--Rules Clarifying the Regulations With Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
2519	26 USC 0565 Consent Dividends	1545-AL86
2520	26 USC 0585 Bad Debt Reserves of Financial Institutions	1545-AJ31
2521	26 USC 0593 Income Tax--Limitation on Additions to Bank Loss Reserves	1545-AB66
2522	26 USC 0613A Income Tax--Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
2523	26 USC 0613A Transfers by Individuals to Corporation under Section 613A (c)(10)	1545-AB74
2524	26 USC 0702 Income Tax - Application of Effective Date for New Rules Regarding Deductions for Meal, Travel, and Entertainment to Partnerships and S Corporations	1545-AK80
2525	26 USC 0706 (b) Taxable Years of Certain Partnerships	1545-AJ47
2526	26 USC 0752 Partner's Share of Partnership Liabilities	1545-AH26
2527	26 USC 0807 (d) Mortality and Morbidity Tables to be Used for Insurance Products for which there are not Applicable Commissioner's Tables	1545-AK04
2528	26 USC 0809 Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
2529	26 USC 0817 Income Tax Regulations-Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG79
2530	26 USC 0832 Treatment of Salvage and Reinsurance in Determining Losses of Property and Casualty Insurance Companies	1545-AK49
2531	26 USC 0846 Temporary Income Tax Regulations--Discounting of Unpaid Losses of Property and Casualty Insurance Companies	1545-AI96
2532	26 USC 0851 Treatment of Designated Hedges by RICs	1545-AM82
2533	26 USC 0852 (b) Treatment of Certain Losses Attributable to Periods After October October 31 of a Taxable Year of a Regulated Investment Company	1545-AM56
2534	26 USC 0861 Apportionment of Expenses in the FSC and DISC Contexts	1545-AK78
2535	26 USC 0861 California Franchise Tax and Section 1.861-8 Allocation	1545-AM08
2536	26 USC 0863 (a) Allocation of Gross Income Attributable to Interest Rate Swaps under Section 863 (a)	1545-AL26
2537	26 USC 0864 Allocation and Apportionment of Interest Expense and Certain Other Expenses	1545-AM20
2538	26 USC 0864 (d) Treatment of Related Person Factoring Income; Certain Investments in United States Property; and Stock Redemptions Through Related Corporations	1545-AH85
2539	26 USC 0865 Temporary Regulations for Source Rules for Personal Property Sales	1545-AL78
2540	26 USC 0871 Employment taxes--Application of Repeal of 30 Percent Withholding by Tax Reform Act of 1984	1545-AM29
2541	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and 2nd Level Withholding Taxes	1545-AJ73
2542	26 USC 0892 Income of Foreign Governments and International Organizations	1545-AL93
2543	26 USC 0897 Income Tax--Partnership Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
2544	26 USC 0897 Notice of Proposed Rulemaking--Nonrecognition of Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AK79
2545	26 USC 0901 Amendment of Section 1.901-2(e)(3)	1545-AJ90
2546	26 USC 0904 (f) Clarification of Treatment of Separate Limitation Losses	1545-AL17
2547	26 USC 0905 Income Tax--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
2548	26 USC 0924 FSC Transfer Pricing Rules, Distributions, Dividends Received, Deduction and Other Special Rules for FSC	1545-AI16
2549	26 USC 0936 Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
2550	26 USC 0936 (d) (4) CBI Investments of Section 936 Funds	1545-AL81
2551	26 USC 0954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38
2552	26 USC 0954 Subpart F Definitions	1545-AM15
2553	26 USC 0985 Functional Currency	1545-AL24
2554	26 USC 0987 Profit and Loss Transition Rules	1545-AM13
2555	26 USC 0989 Definition of a Qualified Business Unit	1545-AM31
2556	26 USC 0989 (c) Transition Rule for Qualified Business Units Using a Net Worth Method of Accounting for Taxable Years Beginning Before January 1, 1987	1545-AL29
2557	26 USC 0995 Proposed Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Interest Charge DISCs	1545-AG71
2558	26 USC 1058 Income Tax--Transfers of Securities Under Certain Agreements	1545-AC20
2559	26 USC 1059A Customs Limitation on Taxpayer's Basis in Property Imported from Related Persons	1545-AJ92
2560	26 USC 1060 Income Tax--Special Allocation Rules for Certain Asset Acquisitions	1545-AJ06

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Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2561	26 USC 1092 Character of Gains and Losses in Case of Straddles Where at Least One Position is Ordinary and at Least One Position is Capital	1545-AM57
2562	26 USC 1092 (b) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
2563	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
2564	26 USC 1248 Gains from Certain Sales or Exchanges in Certain Foreign Corporations	1545-AL89
2565	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
2566	26 USC 1256 (e) Hedging Exception to Mark-to-Market Rules for Section 1256 Contracts, Deferral of Certain Straddle Losses, and Wash-Sale and Short-Sale Principles Applicable to Certain Straddle Transactions	1545-AI72
2567	26 USC 1275 Regulations Under Section 1271 Through 1275 Relating to Tax Treatment of Debt Instruments Having Original Issue Discount	1545-AH46
2568	26 USC 1295 Passive Foreign Investment Companies	1545-AI33
2569	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
2570	26 USC 1362 Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
2571	26 USC 1374 Temporary Regulation--Application of Section 1374 Built-in Gain Tax to C Corporation's Electing S Corporation Status	1545-AK91
2572	26 USC 1441 Withholding on Items of Income Covered by an Income Tax Convention	1545-AH86
2573	26 USC 1445 Withholding rules on distributions attributable to dispositions of US Real Property Interest by Publicly Traded Partnerships, Trusts and REITS	1545-AM50
2574	26 USC 1446 Temporary Regulation on Withholding Tax on Payments from Partnerships to Foreign Partners	1545-AL32
2575	26 USC 1502 Income Tax--Credit & Deductions etc., for Consolidated Returns	1545-AC48
2576	26 USC 1502 Investment Adjustments Under the Consolidated Return Regulations	1545-AI58
2577	26 USC 1502 Temporary Regulations-Consolidated Return Investment Adjustments with respect to an Acquired Subsidiary's Built-in Gains or Losses	1545-AK95
2578	26 USC 1502 Consolidated Return Regulations; Adjustment on Disposition of Stock of Subsidiary	1545-AL59
2579	26 USC 1502 Adjustments Reflecting a Restructuring of a Consolidated Group	1545-AL62
2580	26 USC 1502 Amendment of Consolidated Return Regulations Regarding Deferral of Gain or Loss on Complete Liquidations	1545-AL63
2581	26 USC 1502 Consolidated Investment Credit Recapture	1545-AM35
2582	26 USC 1502 Treatment of Dividend Distributions after the Sale of a Subsidiary	1545-AM36
2583	26 USC 1503 (d) Dual Resident Companies Limitation on Consolidated Losses	1545-AJ54
2584	26 USC 1504 Cross-reference--Alaska Native Corporations; Requirements for affiliation in order to file a consolidated return	1545-AK88
2585	26 USC 2036 Estate & Gift Taxes--Inclusion of Stock in Estate Where Decedent Retained Voting Rights	1545-AC63
2586	26 USC 2056 Estate and Gift Taxes--Increase in Limitations on Marital Deductions	1545-AC67
2587	26 USC 2653 (b) Estate Tax--Generation Skipping Transfer Tax	1545-AJ11
2588	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
2589	26 USC 3406 Backup Withholding	1545-AL48
2590	26 USC 3406 Backup Withholding	1545-AL99
2591	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
2592	26 USC 4041 Election to Have Certain Diesel Fuel Taxes Imposed on Sales to Retailers	1545-AJ13
2593	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
2594	26 USC 4051 Taxability of Converter Dollies	1545-AL71
2595	26 USC 4052 Excise Tax - Excise Tax on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors	1545-AI51
2596	26 USC 4081 Excise Tax--Collection of Excise Tax Imposed on the Sale or Removal of Gasoline	1545-AJ09
2597	26 USC 4091 Excise Tax on Diesel Fuel	1545-AL43
2598	26 USC 4101 Gasoline Excise Tax Bond Requirements	1545-AM32
2599	26 USC 4977 Excise Tax--Election to Aggregate Lines of Business for Purposes of Certain Fringe Benefit Exclusions	1545-AI63
2600	26 USC 4981 Excise Tax -- Excess Distributions from Qualified Retirement Plans	1545-AI81
2601	26 USC 4992 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
2602	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
2603	26 USC 5881 Excise Tax on "greenmail"	1545-AL47
2604	26 USC 6011 Excise Tax -- Part 54 -- Procedure and Administration-- Part 301 -- Filing of Returns for Payment of Pension Excise Tax on Reversions of Qualified Plan Assets	1545-AI83
2605	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
2606	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ98
2607	26 USC 6045 Information Returns of Brokers	1545-AG02
2608	26 USC 6045 Information Returns of Brokers	1545-AG52

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Internal Revenue Service—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2609	26 USC 6045 Information Reporting on Real Estate Transactions	1545-AJ25
2610	26 USC 6045 Income Tax--Information Reporting on Real Estate Transactions	1545-AL06
2611	26 USC 6049 To Clarify the Obligation of Brokers to Report Original Issue Discount on Form 1099	1545-AM80
2612	26 USC 6050J Final Regulations Relating to Reports of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
2613	26 USC 6050M Reporting Requirements Pertaining to Returns Relating to Persons Receiving Contracts from Federal Executive Agencies	1545-AJ05
2614	26 USC 6081 Notice of Proposed Rulemaking - Automatic Extension of Time To File Partnership Return of Income and Trust Income Tax Return	1545-AL38
2615	26 USC 6081 Extension of Time to File for Taxpayers Traveling Outside the United States	1545-AM07
2616	26 usc 6103 Income Tax-Disclosure of Return Information to Officers and Employees of the Department of Commerce for Certain Statistical Purposes and Related Activities	1545-AM02
2617	26 USC 6109 Identifying Numbers	1545-AM44
2618	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
2619	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
2620	26 USC 6241 Small S Corporation Exception and Definition of Subchapter S Item	1545-AJ99
2621	26 USC 6402 Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally Enforceable Debt Owed to Federal Agency	1545-AG95
2622	26 USC 6402 Procedure and Administrative--Reduction of Tax Overpayments by Amount of Past Due Legally Enforceable Debt Owed to Federal Agency	1545-AK12
2623	26 USC 6402 Procedure and Administrations--Reduction of Tax Overpayments by Amount of Past-due Legally Enforceable Debt Owed to Federal Agency	1545-AL66
2624	26 USC 6404 (e) Procedure and Administration - Abatement of Interest	1545-AK71
2625	26 USC 6404 (e) Abatement of penalties or additions to tax attributable to erroneous written advice of Internal Revenue Service	1545-AM47
2626	26 USC 6611 Procedure and Administration Regulations--Modifications of Interest Payments for Certain Periods	1545-AF10
2627	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
2628	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
2629	26 USC 6723 Penalty for Failure to Include Correct Information on Information Returns and Payee Statements	1545-AJ29
2630	26 USC 7103 (b) Procedure and Administration--Property Seized by the Internal Revenue Service under the Money Laundering Control Act of 1986	1545-AL04
2631	26 USC 7216 Amendment of Regulations to Permit Disclosure of Tax Return Information between Franchisees who Jointly Operate a Tax Service	1545-AH91
2632	26 USC 7430 Recovery of Administrative Costs	1545-AN02
2633	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
2634	26 USC 7624 Procedure and Administration Regulations--Reimbursement for State and Local Law Enforcement Agencies	1545-AM45
2635	26 USC 7701 (b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
2636	26 USC 7805 Effective Dates and Other Questions Arising Under Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AI21
2637	26 USC 7805 The Time and Manner of Making Certain Elections under the Technical and Miscellaneous Revenue Act of 1988	1545-AM76
2638	26 USC 7811 Taxpayer Assistance Orders	1545-AM61
2639	26 USC 7871 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
2640	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans	1545-AH72

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2641	05 USC 0552 Statement of Procedural Rules--Miscellaneous Amendments	1545-AJ53
2642	26 USC 0028 Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions	1545-AF64
2643	26 USC 0032 Income Tax--Notice to Employees or Earned Income Credit	1545-AJ44
2644	26 USC 0047 Income Tax--Tax Treatment of Mass Assets for Investment Credit Purposes	1545-AA10
2645	26 USC 0048 Income Tax--Increase in Investment Tax Credit for Qualified Rehabilitation Expenditures	1545-AA12
2646	26 USC 0056 Corporate Alternative Minimum Tax Book Income Adjustment	1545-AJ14

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Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2647	26 USC 0061 Income Tax--Nonqualified Salary Reduction Agreements	1545-AA35
2648	26 USC 0103 Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AK10
2649	26 USC 0120 Income Tax--Prepaid Legal Expenses	1545-AD62
2650	26 USC 0142 Exempt Bonds for Residential Rental Projects	1545-AM04
2651	26 USC 0263A Practical Capacity	1545-AK56
2652	26 USC 0274 Income Tax--Deductibility of Gifts by Employers	1545-AB06
2653	26 USC 0280F Leased Property under Section 280F	1545-AL42
2654	26 USC 0338 Income Tax--Application of Section 338 to Stock and Asset Acquisitions in the International Context	1545-AG13
2655	26 USC 0338 Certain Stock Purchases Treated as Asset Acquisitions-Foreign Implications	1545-AL95
2656	26 USC 0355 Income Tax--Distribution of Stock and Securities of a Controlled Corporation	1545-AB20
2657	26 USC 0367 Transfer of Intangibles Subject to Section 367 or 482 of the Code	1545-AJ91
2658	26 USC 0401 Notice, Election, and Consent Rules under the Retirement Equity Act of 1984	1545-AH80
2659	26 USC 0402 Income Tax--Treatment of Certain Lump Sum Distributions	1545-AD73
2660	26 USC 0411 Income Tax--Coordination of Vesting and Nondiscrimination Requirements for Qualified Plans	1545-AD83
2661	26 USC 0411 Survivor Benefits, Distribution Restrictions and Various Other Issues under the Retirement Equity Act of 1984	1545-AH01
2662	26 USC 0417 Joint and Survivor Annuities	1545-AG72
2663	26 USC 0422A Stockholder Approval of Incentive Stock Option and Employee Stock Purchase Plans	1545-AM93
2664	26 USC 0453C Certain Indebtedness Treated as Payment on Installment Obligations	1545-AJ27
2665	26 USC 0453C Transitional Rules Relating to Indebtedness Treated as Payment on Installment Obligations	1545-AK54
2666	26 USC 0472 Inventory Computed by Use of Consumer or Producer Price Indexes	1545-AF65
2667	26 USC 0474 Simplified Dollar-value LIFO Method for Certain Small Businesses	1545-AK65
2668	26 USC 0679 Income Tax--Procedure & Administration--Foreign Trusts Having U.S. Beneficiaries	1545-AB79
2669	26 USC 0704 To Provide Special Rules Concerning Related Party Loans in the Case of Partnership Allocations Attributable to Nonrecourse Debt	1545-AI66
2670	26 USC 0752 Treatment of Partnership Liabilities	1545-AM77
2671	26 USC 0861 California Franchise Tax and Section 1.861-8 Allocation	1545-AM09
2672	26 USC 0864 Allocation and Apportionment of Interest Expense and Certain Other Expenses	1545-AM21
2673	26 USC 0864 (e) Allocation and Apportionment of Expenses	1545-AL21
2674	26 USC 0871 (i) Exemptions from Withholding of NRA's and Foreign Corporations	1545-AJ59
2675	26 USC 0884 Branch Profits Tax (General Rule and Definitions) and Second Level Withholding Taxes (Temporary Regulations)	1545-AJ77
2676	26 USC 0907 Limitation of Foreign Tax Credit for Foreign Oil and Gas Taxes (Temporary Regulations)	1545-AM52
2677	26 USC 0987 Profit and Loss Transition Rules	1545-AM14
2678	26 USC 1378 Income Tax--Certain Elections Under the Subchapter S Revision Act of 1982	1545-AF30
2679	26 USC 1402 (e) Applications for Exemption from Self-employment Taxes for Ministers, etc	1545-AJ94
2680	26 USC 1502 Adjustment Reflecting a Restructuring of a Consolidated Group	1545-AL61
2681	26 USC 4101 Gasoline Excise Tax Bond Requirements	1545-AL70
2682	26 USC 4991 Excise Tax--With Respect to the Definition of Taxable Crude Oil	1545-AD00
2683	26 USC 4993 Excise Tax--Incremental Tertiary Oil	1545-AD04
2684	26 USC 4994 Excise Tax--Oil From a Stripper Well Property	1545-AD01
2685	26 USC 6011 Elimination of Form 941 Filing Requirement for Quarters in Which Seasonal Employers Pay No Wages	1545-AI56
2686	26 USC 6031 Nominee Reporting of Partnership Information	1545-AJ97
2687	26 USC 6050M Treatment of Net Capital Losses of Regulated Investment Companies and Real Estate Investment Trusts-Relationships between Chapter 44 Excise Taxes and Taxable Income	1545-AJ04
2688	26 USC 6157 Time and Manner of Making Quarterly Payments of the Railroad Unemployment Repayment Tax (NPRM)	1545-AI60
2689	26 USC 6224 Statement of Procedural Rules to Provide Procedures for Partnership-Level Proceedings with Respect to Partnership Items	1545-AI08
2690	26 USC 6323 Electronic Filing of Notice of Federal Tax Lien	1545-AK96
2691	26 USC 6402 Procedure and Administration--Reduction of Tax Overpayments by Amount of Past-due Legally Enforceable Debt Owed to Federal Agency	1545-AK45
2692	26 USC 9999 Income Tax--Maritime Capital Construction Fund	1545-AD46
2693	26 USC 9999 Statement of Procedural Rules--Amendments to Statement of Procedural Rules--1981-1	1545-AD55

DEPARTMENT OF THE TREASURY (TREAS)

Prerule Stage

Internal Revenue Service (IRS)

2163. UPDATE AND GENDER-NEUTRALIZE MORTALITY TABLE USED TO DETERMINE PERMANENT GROUP-TERM LIFE INSURANCE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations will update and gender-neutralize the mortality table used under section 79 to determine the value of permanent group-term life insurance benefits provided to employees.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TR-43-00412-88

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4465

RIN: 1545–AK50

2164. INCOME TAX--PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 130 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-82-83.

Drafting attorney: Rochelle Pickard (202) 566-3637.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: Rochelle Pickard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AF39

2165. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 183 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-73-84.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AG27

2166. REGULATIONS UNDER SECTION 367 (E)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Whether gain should be recognized under section 367 (e) (1) and (2) on the distribution of stock, securities or other property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-752-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-5791.

Treasury attorneys: Mary Bennett & David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545–AL34

2167. REGULATIONS UNDER SECTION 367 (E)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal deals with whether gain should be recognized under section 367 (e) (1) and (2) on the distributor of stock, securities or other property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-704-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorneys: Mary Bennett & David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3319

RIN: 1545–AL35

2168. INCOME TAX–CROSS-REFERENCE-REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would provide regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue intends to interpret these issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-063-81.

Drafting attorney: Mark Schneider (202) 566-3544.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Agency Contact: Mark Schneider, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545–AB29

2169. SECTION 482 REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To revise section 482 regulations per section 482 white paper.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-401-88

Drafting attorneys: Teresa T. Milton (202) 287-4851

and David Bower (202) 634-5404.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Teresa T. Milton, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, DC 20024, 202 287-4851

RIN: 1545–AL80

2170. SECTION 482 COST SHARING REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 482 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Transfer of intangibles between affiliates; intercompany pricing issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-372-88

Drafting attorney: Teresa Milton & Lisa Grogan (202) 287-4851.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Teresa T. Milton, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, 202 287-4851

RIN: 1545–AM00

2171. INTEREST DEDUCTION UNDER SECTION 834(C)(5)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations clarify that in order to be deductible under section 834(c)(5), interest must relate to investment income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-110-87

Drafting attorney: William Blagg (202) 566-3294.

Reviewing attorney: Steve Hooe (202) 566-3294.

Treasury attorney: Don Rocap (202) 566-8277.

Income Taxes

Agency Contact: William L. Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AL07

2172. INCOME TAX - INTEREST AND DIVIDENDS OF 80-20 COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to the sourcing of dividends and interest paid by so-called "80-20" companies, that is, companies with 80% or more foreign source income.

TREAS—IRS **Prerule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-950-86

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AJ58

2173. FIRPTA CLEANUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Reporting requirements for 5 percent shareholders; equity kickers; establish securities market definition; other related issues.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-785-87

Drafting attorney: James Sams (202) 634-5404.

Reviewing attorney: Robert Culbertson (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AJ72

2174. SOURCE RULES WITHIN THE VIRGIN ISLANDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide sourcing rules for the determination as to whether income is derived from sources within the Virgin Islands or the U.S. or is effectively connected with the conduct of a trade or business within the Virgin Islands or the U.S. To the extent possible, the rules will be similar to those set forth in IRC sections 861-865.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-613-87

Drafting attorney: John J. Brady (202) 287-4851.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: John J. Brady, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W. Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL40

2175. SUBPART F - USE OF DEFICITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 952 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the extent to which current year deficits in unrelated income categories or prior year deficits may reduce the amount included in the gross income of any U.S. shareholder under section 951(a)(1)(A)(i) for taxable years after 1986.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-954-86

Drafting attorney: Valerie A. Mark (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income taxes.

Agency Contact: Valerie A. Mark, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AJ71

2176. COMPUTATION OF A BRANCH'S TAXABLE INCOME TAXATION OF EXCHANGE GAIN OR LOSS ON BRANCH REMITTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Branch Rules on how to translate branch income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-965-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

TREAS—IRS **Prerule Stage**

1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM12

2177. ● MODIFICATION OF THE GASAHOL REGULATIONS TO INCREASE THE TOLERANCE ALLOWED TO THE 10 PERCENT ALCOHOL MIXTURE AND TO CLARIFY THE LATER BLENDING RULES

Legal Authority: 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will modify the tolerance allowed for the alcohol to gasoline ratio in gasahol and will clarify the later blending rules with regard to incidental dilution of gasahol at retail outlets.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-093-88

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Jeffrey Nelson (202) 566-4077.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4077**

RIN: 1545–AM86

2178. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6700 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-273-82.

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller, Jr. (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4442**

RIN: 1545–AE99

2179. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6701 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-274-82.

Drafting attorney: Vincent G. Surabian (202) 566-4680.

Agency Contact: Vincent G. Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4680**

RIN: 1545–AF01

2180. DEFINITION OF LIFE INSURANCE CONTRACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7702 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules to define a life insurance contract.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-107-87

Drafting attorney: Katherine Lee Wambsgans (202) 566-3740.

Reviewing attorney: Stephen D. Hooe (202) 566-3803.

13 Income Taxes

Agency Contact: Katherine Lee Wambsgans, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3740**

RIN: 1545–AL08

DEPARTMENT OF THE TREASURY (TREAS) — Proposed Rule Stage

Internal Revenue Service (IRS)

2181. INCOME TAX--DEDUCTION FOR BUS OPERATING AUTHORITIES AND FREIGHT

Legal Authority: 26 USC 1 et seq Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules allowing taxpayers an ordinary deduction ratably over a 60-month period for the adjusted basis of bus operating authorities and freight forwarders held or acquired on certain specified dates.

TREAS—IRS

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-110-86

Drafting attorney: Christopher Wilson (202) 566-4945.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Bryan Collins (202) 566-8277.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4945

RIN: 1545–AJ18

2182. INCOME TAX--ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 55 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-235-82.

Drafting attorney: William A. Jackson (202) 566-6320.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorneys: Ellen Aprill (202) 566-5453 and

Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AE80

2183. ALTERNATIVE MINIMUM TAX FOR INDIVIDUALS

Significance: Regulatory Program

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will address issues relating to the alternative minimum tax for individuals. The issues addressed will include the adjustment to inventory to take into account alternative tax depreciation, determination of the preference amount for charitable contributions of appreciated property, and application of alternative tax adjustments in determining the alternative tax liability of a trust or estate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-2-87

Drafting attorney: William A. Jackson (202) 566-6320.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-6320

RIN: 1545–AJ86

2184. INCOME TAX–INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustments for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-85-87

Drafting attorney: William Jackson (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorney: Mark Levy (202) 566-4029.

Agency Contact: William Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-6320

RIN: 1545–AL02

2185. INCOME TAX-MINIMUM TAX. ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-209-78.

Drafting attorney: Steve Toomey (202) 566-6320.

Reviewing attorney: William Galanko (202) 566-3862.

Agency Contact: Steve Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AA34

2186. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-56-87

Drafting attorney: William A. Jackson (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AK20

2187. TAXATION, VALUATION, AND REPORTING OF "FREQUENT FLYER" OR SIMILAR BONUS PAYMENTS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require information reporting with respect to "frequent flyer" or similar bonus payments in order to increase compliance. The regulation will also provide valuation rules to assist taxpayers in valuing the bonuses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-79-86

Drafting attorney: Karin G. Gross (202) 566-3889.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Treasury attorney: Susan Scherbel (202) 535-6965.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3889

RIN: 1545–AK02

2188. AMENDMENT TO THE REGULATIONS UNDER SECTION 61 TO CONFORM THE TREATMENT OF BOND PREMIUM INCOME TO THE CONSISTENT YIELD METHOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide a method for determining how to include bond premium into income. The method is the constant yield method.

Timetable:

Action	Date	FR Cite
NPRM	06/15/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-70-88

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AL92

2189. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 72 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-82.

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AE41

2190. NONDISCRIMINATION RULES FOR NON-PENSION EMPLOYEE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 89 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the following: an explanation of the eligibility, benefits and alternative tests contained in section 89; an explanation as to which plans are subject to section 89 requirements; and, rules concerning how the requirements will be applied in actual operation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-130-86

Drafting attorney: Munroe/Zech (202) 566-3251.

Reviewing attorney: Nancy Marks (202) 343-6954.

Agency Contact: David Munroe/Felix Zech, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3251

RIN: 1545–AI78

2191. TO PROVIDE REGULATIONS UNDER SECTION 147 (B)–RELATING TO LIMITATION ON MATURITY OF PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide guidance with respect to computation of weighted average economic life and weighted average maturity. Rules limit the average length of the maturity of all private activity bonds (including qualified 501 (c) (3) bonds), other than mortgage revenue bonds and student loan bonds.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-220-82.

Drafting attorney: L. Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AE69

2192. REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-156-84.

Drafting attorney: Susan Jonas (202) 566-4545.

Reviewing attorney: Michael J. Montemurro (202) 566-4545.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern (202) 566-2566.

Agency Contact: Susan Jonas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4545

RIN: 1545–AG84

2193. DEFINITION OF "REISSUANCE" UNDER SECTION 103

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed Regulations would provide guidance regarding whether changes in the terms of an outstanding obligation result in that obligation being treated as retired and reissued as a new obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: FI-29-86.

Drafting attorney: George Kelley (202) 566-3283.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Margaret C. Henry (202) 533-6966.

Guidance on the definition of Issuance appeared as Notice 88-130, 1988-52 IRB 12. The rules contained in the Notice will be incorporated in the regulations.

Agency Contact: George Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-3283

RIN: 1545–AI65

2194. TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 143 Internal Revenue Code of 1986; 26 USC 103A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103A-2

Legal Deadline: None

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-307-84.

Drafting attorney: Allan Seller (202) 566-3332.

Reviewing attorney: Michael J. Montemurro (202) 566-4545.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Allan Seller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3332

RIN: 1545–AG88

2195. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 108 Internal Revenue Code of 1986; 26 USC 1017 Internal Revenue Code of 1986; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-91-81.

Drafting attorney: Karin G. Gross (202) 566-3889.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3889

RIN: 1545–AA67

2196. INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-303-84.

Drafting attorney: Karin G. Gross (202) 566-3889.

Reviewing attorney: Paul A. Francis (202) 566-3318.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3889

RIN: 1545–AH17

2197. QUALIFIED TUITION REDUCTIONS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 117 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations contain rules explaining when qualified tuition reductions provided for education below the graduate level to an employee of an educational organization or to a person treated as an employee will be excluded from the employee's gross income. The proposed regulations include rules relating to tuition reductions which discriminate in favor of officers, owners or highly compensated employees and so are includible in income. The proposed regulations also provide rules relating to the treatment of tuition reductions in the case of graduate student teaching and research assistants.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-35-85.

Drafting attorney: Michael Schmit (202) 566-3826.

Reviewing attorney: William Galanko (202) 566-3862.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3826

RIN: 1545–AI13

2198. INCOME TAX--TAX TREATMENT OF FACULTY HOUSING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 119 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the definition of a "qualified appraisal". In addition, the regulations will set forth the time and manner in which the appraisal shall be reviewed and updated.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

EE-74-88.

Drafting attorney: Richard Pavel (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747

Treasury attorney: Marjorie Roberts (202) 566-2565.

Agency Contact: Richard Pavel, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AJ21

2199. DEFINITION OF "PRIVATE ACTIVITY BOND", "QUALIFIED BOND"

Significance: Regulatory Program

TREAS—IRS **Proposed Rule Stage**

Legal Authority: 26 USC 7805 Internal Revenue Code of 1985; 26 USC 141 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides a definition of the term "private activity bond".

Timetable:

Action	Date	FR Cite
NPRM	08/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-72-88

Drafting attorney: Dave Selig (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

13 Income Tax

Agency Contact: Dave Selig, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, llll Constitution Ave. N.W., Washington, D.C. 20224, **202 566-4545**

RIN: 1545–AM01

2200. TAX-EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to tax-exempt bonds issued to provide qualified residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-089-86

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2926.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3458**

RIN: 1545–AJ66

2201. INCOME TAX–STUDENT LOAN BONDS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (b) Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to issuers of tax-exempt student loan bonds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-80-86.

Drafting attorney: L. Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliott Stern (202) 566-2566.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-4336**

RIN: 1545–AJ42

2202. QUALIFIED 501 (C) (3) BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 145 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules for qualified 501 (c) (3) bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-84-86.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-4545**

RIN: 1545–AJ39

2203. STATE VOLUME CAP FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 146 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide state volume cap rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-85-86

Drafting attorney: David Selig (202) 566-4545.

Reviewing attorney: George Kelley (202) 566-4545.

Agency Contact: David Selig, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-4545**

RIN: 1545–AJ37

2204. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS; REBATE REQUIREMENT

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to the requirement that arbitrage profits earned on tax-exempt bonds be paid to the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-91-86

Drafting attorney: Elliott Stern (202) 566-2926.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliott Stern (202) 566-2926.

Agency Contact: George Delduke, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3347

RIN: 1545–AJ67

2205. GENERAL REVISION OF ARBITRAGE REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding the arbitrage restrictions for tax-exempt bonds, other than the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-48-88

Drafting attorney: George Kelley (202) 566-3283.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

This project is being drafted at the Treasury and will be reviewed by IRS. Thus, it is impossible to establish a timetable.

Agency Contact: George P. Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3283

RIN: 1545–AL90

2206. ADVANCE REFUNDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986;; 26 USC 149 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules regarding advance refundings of certain private activity bonds and certain other bonds.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-50-88

Drafting attorney: Jack Malgeri (202) 566-3347.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Jack Malgeri, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3347

RIN: 1545–AL91

2207. INCOME TAX–TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-190-77.

Drafting attorney: Karin G. Gross (202) 566-3889.

Reviewing attorney: David R. Haglund (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Ellen

Aprill (202) 566-5453.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3889

RIN: 1545–AA79

2208. ● DEDUCTIONS WITH RESPECT TO NONCASH FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 162 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.162-25

Legal Deadline: None

Abstract: The project is to produce proposed rules relating to an alternative way for employers to take deductions with respect to noncash fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-89-88

Drafting Attorney: Joel Rutstein (202) 566-4509.

Reviewing Attorney: Paul Kane (202) 566-3492.

Income Tax

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-4509

RIN: 1545–AM40

2209. DEFINITION OF RELATED VIOLATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would amend the definition of "related violations" under section 162(g) of the Internal Revenue Code of 1986 in order to update such definition in light of subsequent events.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-87

Drafting attorney: Joel S. Rutstein (202) 566-4509.

Reviewing attorney: John S. Bromell (202) 566-4430.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4509

RIN: 1545–AK83

2210. QUALIFIED RESIDENCE INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance regarding the definition of qualified residence interest, including the definition of acquisition debt and guidance regarding the computation of the limitation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-27-88

Drafting attorney: Sharon L. Hall (202) 566-4811.

Reviewing attorney: John Fischer (202) 566-8131.

Treasury attorney: Reed Shuldiner (202) 566-2175.

13 Income Tax

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, 202 566-4811

RIN: 1545–AL67

2211. PROHIBITION ON FOREIGN TARGETING OBLIGATIONS BACKED BY UNITED STATES GOVERNMENT SECURITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking providing that obligations backed by United States government securities may not be foreign targeted.

Timetable:

Action	Date	FR Cite
NPRM	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-070-88

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM19

2212. INCOME TAX--NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation. Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-244-81.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Noel Sheehan (202) 566-4819.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Robert Scarborough (202) 566-2928.

Normalization Requirement

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AA88

2213. MODIFICATION OF ACRS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide rules concerning the accelerated cost recovery system.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-86-86.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: William Dwyer (202) 566-6511.

Treasury attorney: Barksdale Penick (202) 566-5453.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3292

RIN: 1545–AJ38

2214. ● NORMALIZATION REQUIREMENTS FOR PUBLIC UTILITY PROPERTY: INCONSISTENT PROCEDURES AND ADJUSTMENTS

Legal Authority: 26 USC 168(i)(9)(B)(iii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 167; 26 CFR 168

Legal Deadline: None

Abstract: Regulation to prescribe public utility ratemaking procedures and adjustments that are to be treated as inconsistent with the normalization rules under 26 USC 167 and 168. Regulation will make clear: (1) that term "tax expense" in 26 USC 168 (i)(9)(A) and (B) means total expense, including both current and preferred taxes, and (2) that reducing utility's Federal income tax expense for ratemaking purposes, either directly or indirectly, to reflect tax losses of non-regulated affiliated companies is inconsistent under 26 USC (168)(i)(9)(B) with normalization requirements of 26 USC 168(i)(9)(A).

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-3-89

Drafting attorney: Martin Schaffer (202) 566-6589.

Reviewing attorney: Noel Sheehan (202) 566-4819.

Treasury attorney: Robert Scarborough (202) 566-2928.

Income Taxes

Agency Contact: Martin Schaffer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6589

RIN: 1545–AM87

2215. INCOME TAX -- TO PROVIDE REGULATIONS RELATING TO CONTRIBUTIONS TO PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the percentage limitations for charitable contributions to private foundations. The regulations will also provide rules relating to "qualified appreciated stock" as that term is defined in section 170 (e) (5) of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-231-84.

Drafting attorney: Karin G. Gross (202) 566-3889.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Karin G. Gross, Assistant Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3889

RIN: 1545–AI09

2216. ● DEFINITION OF RESEARCH AND EXPERIMENTAL EXPENDITURES UNDER SECTION 174 OF THE CODE

Legal Authority: 26 USC 7805(a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.174-2; 26 CFR 1.41

Legal Deadline: None

Abstract: The regulations clarify the definition of "research and experimental expenditures" under section 174 of the Internal Revenue Code. The regulations also clarify the definition of "research and experimental expenditures" for purposes of section 41 of the Code, because section 41 relies on the definition of that item in section 174.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-002-89

Drafting attorney: David Haglund (202) 377-9851.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Evelyn Brody (202) 535-6959.

Research and Experimental Expenditures

Agency Contact: David Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4821

RIN: 1545–AM92

2217. ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules rules relating to the changes made to section 179 by the Tax Reform Act of 1986. This includes changes to the dollar limitation and recapture provision as well as the new trade or business income limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-52-88

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Harold Burghart (202) 566-3292.

Treasury attorney: Ellen Aprill (202) 566-5433.

Income Tax - Election to expense depreciable business assets.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AL74

2218. INCOME TAX--TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 195 Internal Revenue Code of 1986

TREAS—IRS **Proposed Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-36-81.

Drafting attorney: Paul F. Handleman (202) 566-4121.

Reviewing attorney: James Ranson (202) 566-4944.

Agency Contact: Paul F. Handleman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4121

RIN: 1545–AB02

2219. DEDUCTION FOR DIVIDENDS RECEIVED FROM CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Draft regulations under section 245 of the Code, incorporating changes made by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-943-86

Drafting attorney: Kenneth Allison (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL94

2220. INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 246A Internal Revenue Code of 1986; 26 USC 7701 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-261-84.

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AH39

2221. CAPITALIZATION OF CERTAIN PENSION, ETC. COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that certain costs of deferred compensation must be capitalized rather than deducted currently.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-56-78

Drafting attorney: John Tolleris (202) 566-3060.

Reviewing attorney: Michael Garvey (202) 566-3251.

Agency Contact: John Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AI92

2222. NOTICE OF PROPOSED RULEMAKING -- CAPITALIZATION OF INTEREST EXPENSE

Significance: Regulatory Program

Legal Authority: 26 USC 263A (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-121-86.

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: John Fischer (202) 566-8131.

Treasury attorney: Adam Handler (202) 535-6964.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3024

RIN: 1545–AK01

2223. WITHHOLDING ON ACCOUNTS PAYABLE TO RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 (a) (3) Internal Revenue Code of 1986; 26 USC 163 (e) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

TREAS—IRS

Proposed Rule Stage

Legal Deadline: None

Abstract: Withholding tax liability and deductibility of payments on accounts payable to related parties.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-390-88

Drafting attorney: James K. Sams (202) 634-5404.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: James K. Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AL97

2224. INCOME TAX--TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (h) Internal Revenue Code of 1986; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-114-81.

Drafting attorney: Carlos Sandoval (202) 377-9586.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Carlos Sandoval, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9586**

RIN: 1545–AB04

2225. NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280G Internal Revenue Code of 1986

CFR Citation: 26 CFR 280G

Legal Deadline: None

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-217-84.

Drafting attorney: Stuart Wessler (202) 566-3822.

Reviewing attorney: Sharon Galm (202) 566-3297.

Treasury attorney: Don Rocap (202) 566-8278.

Income Tax

Agency Contact: Stuart Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3822**

RIN: 1545–AH49

2226. WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 302 (c) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-189-82.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Christopher F. Kane (202) 566-3450.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3551**

RIN: 1545–AF13

2227. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e), and the consequences which result from making such an election.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-52-87

Drafting attorney: Jean M. Whalen (202) 566-6212.

Reviewing attorney: Peter G. Lynard (202) 566-6358.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Jean M. Whalen, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AK29

2228. CROSS-REFERENCE--RECOGNITION OF GAIN OR LOSS ON LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986; SECTIONS 631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for the recognition of gain or loss on a corporation's liquidating sales or distributions

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-79-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AK90

2229. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO RICS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulations project is one of several dealing with the implementation of the repeal of the General Utilities doctrine by section 631 of the Tax Reform Act of 1986. This project deals with the regulations necessary to ensure the repeal is implemented with respect to RICs and REITs.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-15-88

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Glenn Carrington (202) 566-3430.

13 Income Tax, Normal Taxes and Surtaxes, RICs and REIT's

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AL65

2230. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will require the use of the MADSP formula in a qualified stock purchase to which Section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-87.

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Jud Kelly (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AK25

2231. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	
NPRM Comment Period End	08/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-50-87

Drafting attorney: Matthew B. Krasner (202) 566-3430.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Jud Kelly (202) 566-2175.

Agency Contact: Matthew B. Krasner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AK31

2232. ● TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (2)(10)

Legal Authority: 26 USC 7805; 26 USC 338

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h)(10) when the selling group is an affiliated group

of corporations which does not file a consolidated Federal income tax return and the consequences of making such election.

Timetable:

Action	Date	FR Cite
NPRM	06/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-50-87

Drafting Attorney: Matthew B. Krasner (202) 566-3430.

Reviewing Attorney: Barry L. Isaacs (202) 566-3544.

Treasury Attorney: Jud Kelley (202) 566-2175.

Income Tax

Agency Contact: Matthew B. Krasner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545–AM49

2233. ● SECTION 361 OUTBOARD TRANSFERS OF PROPERTY TO FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The income tax regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-084-89

Drafting attorney: Elizabeth U. Karzon (202) 566-3160.

Reviewing attorney: Charles Saverude (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-3992.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3160**

RIN: 1545–AM97

2234. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 7

Legal Deadline: None

Abstract: Proposal would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-988-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AJ78

2235. CORPORATE REORGANIZATION AMENDMENTS - BANKRUPTCY TAX ACT OF 1980

Legal Authority: 26 USC 354 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986; 26 USC 357 Internal Revenue Code of 1986; 26 USC 358 Internal Revenue Code of 1986; 26 USC 361 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to amendments to the Internal Revenue Code by the Bankruptcy Tax Act of 1980, dealing with bankruptcy and other insolvency reorganizations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-74-87.

Drafting attorney: Robert M. Casey (202) 566-3551.

Reviewing attorney: Barry Isaacs (202) 566-3544.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3551**

RIN: 1545–AK33

2236. INCOME TAX--LIMITATION ON CORPORATE NET OPERATING LOSS DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will explain and illustrate the limitations provided under section 382 of the Internal Revenue Code of 1986 on a corporation's use of net operating loss carryovers.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-103-86.

Drafting attorney: Keith Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202)566-3280.

Treasury attorney: Thomas Wessel (202) 566-2927.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3367**

RIN: 1545–AI99

2237. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers and liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-67-87

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3367**

RIN: 1545–AK27

2238. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	
NPRM Comment Period End	08/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-69-87

Drafting attorney: Lori Jones (202) 566-3205.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3205**

RIN: 1545–AK26

2239. ● LIMITATION ON USE OF PREACQUISITION LOSSES TO OFFSET BUILT-IN GAINS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 384 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide guidance concerning the application of section 384 of the Internal Revenue Code. This section limits a Corporation's ability to offset gains that accrued prior to a merger or acquisition against pre-acquisition losses of a second Corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-99-88

Drafting Attorney: Robert M. Casey (202) 566-3551.

Reviewing Attorney: Glenn Carrington (202) 566-3430.

Income Tax: Corporate adjustment and distribution.

Agency Contact: Robert M. Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3551**

RIN: 1545–AM48

2240. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-106-83.

Drafting attorney: Steven T. Miller (202) 566-4503.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Steven T. Miller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4503**

RIN: 1545–AF81

TREAS—IRS

Proposed Rule Stage

2241. INCOME TAX - - PART 1--ADDITIONAL PARTICIPATION REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
02/01/88 Deadline for final regulations

Abstract: The regulations set forth rules relating to minimum participation requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6710
NPRM Comment Period End	04/17/89	54 FR 6710
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-44-87

Drafting attorney: Nancy J. Marks (202) 343-6954.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Nancy J. Marks, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 343-6954**

RIN: 1545–AK46

2242. ● NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation is intended to provide guidance concerning the application of sections 401(a)(4) and 410(b) of Internal Revenue Code. These sections require tax-qualified pension plans to meet certain nondiscrimination requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-61-88

Drafting attorney: Rebecca Wilson (202) 566-3551.

Reviewing attorneys: Richard Wickersham and Nancy Marks

(202) 343-6954.

Agency Contact: Rebecca S. Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3251**

RIN: 1545–AM95

2243. NONDISCRIMINATION AND OTHER RULES APPLICABLE TO SECTION 403(B) ANNUITIES

Legal Authority: 26 USC 403 (b) (10) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: The regulations will provide guidance regarding the nondiscrimination and other rules applicable to tax- sheltered section 403(b) annuities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-163-86

Drafting attorney: Nancy J. Marks (202) 343-6954.

Treasury Attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Nancy Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-6954**

RIN: 1545–AI90

2244. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404 (a) (9) Internal Revenue Code of 1986; 26 USC 415 (c) (6) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-152-81.

Drafting attorney: Michael Gompertz (202) 566-4530.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Michael Gompertz, Technical Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4530**

RIN: 1545–AD77

2245. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 401 Internal Revenue Code of 1986; 26 USC 6699 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal

Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	07/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-49-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AD82

2246. INC. TAX -- PART 1; ESTATE TAX -- PART 20, EMPLOYEE STOCK OWNERSHIP PLAN RULES AFFECTED BY TRA 1986

Legal Authority: 26 USC 409 Internal Revenue Code of 1986; 26 USC 401 (a) (28) Internal Revenue Code of 1986; 26 USC 401 (a) (23) Internal Revenue Code of 1986; 26 USC 133 Internal Revenue Code of 1986; 26 USC 404 (k) Internal Revenue Code of 1986; 26 USC 2057 Internal Revenue Code of 1986; 26 USC 1042 Internal Revenue Code of 1986; 26 USC 2210 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20

Legal Deadline: None

Abstract: The proposed regulations would set forth requirements for the tax qualification of ESOPs and for various ESOP tax incentives.

Timetable:

Action	Date	FR Cite
NPRM	07/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-164-86

Drafting attorney: John Ricotta (202) 566-4747.

Reviewing attorney: Michael Thrasher (202) 566-3576.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: John Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AI87

2247. COVERAGE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Rules relating to minimum coverage requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-128-86

Drafting attorney: Nancy J. Marks (202) 343-6954.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 343-6954

RIN: 1545–AK41

2248. ● SPECIAL RULES IN MERGER AND ACQUISITION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410(b) Internal Revenue Code of 1986; 26 USC 401(a)(4) Internal Revenue Code of 1986; 26 USC 401(a)(26) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to provide special rules for employee plans in mergers and acquisitions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-26-88

Drafting attorney: Richard M. Lent (202) 566-3774.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Income Tax: Pension, Profit-Sharing, Stock Bonus Plans

Agency Contact: Richard Lent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3774

RIN: 1545–AM94

2249. REVISING THE DRAFTING OF THE FULL FUNDING LIMITATION FOR PURPOSES OF THE MINIMUM FUNDING REQUIREMENT FOR PENSION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 (c) (7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, August 5, 1988.

Abstract: This project will interpret the new full funding limitation on deductible contributions to pension plans.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-62-88

Drafting attorney: Heather Wiseman (202) 566-6260.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Heather Wiseman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6260**

RIN: 1545–AL53

2250. DEFINITION OF LINE OF BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (r) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.

Abstract: Internal Revenue Code section 414 (r) defines line of business for purposes of applying the coverage requirements under section 410 (b) and the nondiscrimination requirements for certain employee benefit plans under section 89.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-144-87

Drafting attorney: Rhonda G. Migdail (202) 566-4747.

Reviewing attorney: Richard Wickersham (202) 566-4621.

Treasury attorney: Priscilla Ryan (202) 566-5435.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AL23

2251. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1986; 26 USC 419A Internal Revenue Code of 1986; 26 USC 1239 (d) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-66-84.

Drafting attorney: Mark Schwimmer (202) 566-3155.

Reviewing attorney: Colene Mason (202) 566-4741.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3155**

RIN: 1545–AG14

2252. INC. TAX--PART 1--AMENDMENT OF SECTION 1.442-1 TO PROVIDE SIMPLIFIED PROCEDURES FOR CHANGES OF ANNUAL ACCOUNTING PERIOD BY CERTAIN EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 442 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Revenue Procedure 85-58 provides change of accounting period approval procedures for exempt organizations. It substantially simplifies the former procedures in Revenue Procedure 76-9. The regulations under section l.442-1 will be amended to reflect Revenue Procedure 85-58.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-06-86.

Drafting attorney: Suzanne K. Tank (202) 566-3060.

Reviewing attorney: Paul G. Accettura (202) 566-6478.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne Ross McDowell (202) 566-8278

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-3060**

RIN: 1545–AI68

2253. BLOCKED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Computation of income subject to currency or exchange restrictions.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-586-86

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Robert A. Katcher (202) 634-5406.

Treasury attorney: Peter Barnes (202) 566-5812.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL85

2254. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

TREAS—IRS

Proposed Rule Stage

Government Levels Affected: None

Additional Information: IA-103-81.

Drafting attorney: Michael J. Grace (202) 566-6460.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: Michael J. Grace, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6460

RIN: 1545–AB41

2255. INCOME TAX--INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-2-81.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545–AB45

2256. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-147-82.

Drafting attorney: Paulette C. Galanko (202) 566-3731.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5953.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AB46

2257. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-143-83.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: James D. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AF73

2258. INCOME TAX REGULATIONS--PART 1--SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-54-84.

Drafting attorney: Robert N. Deitz (202) 377-9582.

Reviewing attorney: George Wright (202) 377-9587.

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9582

RIN: 1545–AG37

2259. INCOME TAX -- DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 457 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Internal Revenue Code section 457 provides an exclusion from gross income, in the case of a participant in an eligible deferred compensation plan, for any amounts deferred under the plan and any income attributable to the amounts attributable to the amounts so deferred.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-166-86

Drafting attorney: Brant Goldwyn (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Brant Goldwyn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AI89

2260. ACCOUNTING FOR LONG-TERM CONTRACTS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to accounting for costs incurred in the performance of long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-130-86

Drafting attorney: Paulette C. Galanko (202) 566-4941.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-4941**

RIN: 1545–AJ28

2261. INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-258-84.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Kathleen Ferrell (202) 566-5453.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AH32

2262. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-192-78.

Drafting attorney: Charles Alton (202) 566-6415.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6415**

RIN: 1545–AF86

2263. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-85.

Drafting attorney: Jeffrey C. Golden (202) 566-6016.

Reviewing attorney: Frances D. Schafer (202) 566-3629.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Jeffrey C. Golden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6016**

RIN: 1545–AI02

2264. APPLICATION OF AT-RISK LIMITATIONS TO THE HOLDING OF REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; 26 USC 752 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will explain the application of the at risk limitations to the activity of holding real property

and the exception for qualified nonrecourse financing.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-124-86.

Drafting attorney: John Kramer (202) 377-9665.

Reviewing attorney: Michael J. Grace (202) 566-6460.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: John Kramer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9665

RIN: 1545–AK08

2265. TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 467 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1T

Legal Deadline: None

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be defined. Certain tax avoidance transactions will be defined. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-292-84.

Drafting attorney: Sharon L. Hall (202) 566-4811

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4811

RIN: 1545–AG81

2266. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS - DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-4T; 26 CFR 1.469-5T; 26 CFR 1.469-11T

Legal Deadline: None

Abstract: Pursuant to the grant of authority in section 469(l), the regulations will define "activity".

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-001-89

Drafting attorney: Robert Stoddart (202) 566-4543.

Reviewing attorney: Michael J. Grace (202) 566-4543.

Treasury attorney: John H. Parcell (202) 535-6965.

Income Taxes

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4543

RIN: 1545–AM38

2267. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar- value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-31-87

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-2383

RIN: 1545–AK64

2268. INCOME TAX--UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 512 (a) Internal Revenue Code of 1986; 26 USC 514 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-27-81.

Drafting attorney: Monice Rosenbaum (202) 566-3505.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3505

RIN: 1545–AE00

2269. REPEAL OF BAD DEBT RESERVE METHOD: FOREIGN ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will address issues applicable to international banks in recapturing bad debt reserves as required by the Tax Reform Act.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-974-86

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Carolyn M. Dupuy (202) 634-5406.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL83

2270. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 595 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-083-82.

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AF00

2271. INCOME TAX--RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 612 Internal Revenue Code of 1986; 26 USC 613 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-71.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AB69

2272. PROPERTY DISTRIBUTED IN KIND AND TREATMENT OF MULTIPLE TRUSTS (SEC: 81 AND 82 OF THE TAX REFORM ACT OF 1984)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax consequences when property is distributed in kind from a trust or estate, including rules specifying what gain is recognized upon distribution, who recognizes such gain, and what the basis of the distributed property is in the hands of the distributee. The regulations also explain election rules available to the distributing trust or estate. The regulations also explain rules under which certain multiple trusts will be treated as a single trust.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-34-85.

Drafting attorney: Carol E. Schultze (202) 566-3625.

Reviewing attorney: Thomas J. Hines (202) 566-6813.

Agency Contact: Carol E. Schultze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3625

RIN: 1545–AI06

2273. CLARIFICATION OF SECTION 1.643 (A) (3) RELATING TO THE INCLUSION OF CAPITAL GAIN IN DISTRIBUTABLE NET INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 643 (a) (3) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulation will revise rules specifying when capital gains will be included in distributable net income.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	08/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-148-85.

Drafting attorney: Richard H. Smith, Jr. (202) 343-8558.

Reviewing attorney: Arthur H. Ernst (202) 566-3158.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Richard H. Smith, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 343-8558**

RIN: 1545–AI31

2274. ● ACCUMULATION TRUSTS

Legal Authority: 26 USC 667 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.667(a); 26 CFR 1.641; 26 CFR 1.643; 26 CFR 1.652; 26 CFR 1.661; 26 CFR 1.666; 26 CFR 1.668

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 provides for a new method of computing the tax on distributions of income accumulated by a trust in prior years. The new method, in effect, determines the tax attributable to an accumulation distribution by averaging the distribution over the number of years during which the income was earned by the trust. This is accomplished by including, for purposes of tentative computations, a fraction of the income received from the trust in the beneficiaries' income for 3 of the 5 preceding years. Those 3 years are determined by taking from the 5 preceding years the year with the highest taxable income and the year with the lowest. The fraction of the income included in each of the 3 years is based upon the number of years during which the income is accumulated by the trust. The average yearly additional tax determined by recomputing the tax for the 3 years is then multiplied by the number of years during which the distribution was accumulated. The resulting tax so computed may be offset by a credit for any taxes previously paid by the trust with respect to the accumulated income. (Cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-184-76

Drafting attorney: James F. Hogan (202) 566-3502.

Reviewing attorney: Tom Hines (202) 566-6813.

Treasury attorney: Susan Himes(202) 566-8527.

"ABSTRACT CONT": Any remaining tax liability is then due and payable in the same year as the tax on the beneficiary's other income in the year of the distribution.

Estates and Trusts

Agency Contact: James F. Hogan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3502**

RIN: 1545–AM78

2275. INCOME TAXATION OF TRUSTS AND ESTATES

Legal Authority: 26 USC 645 Internal Revenue Code of 1986; 26 USC 672 Internal Revenue Code of 1986; 26 USC 673 Internal Revenue Code of 1986; 26 USC 6654 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding taxable years of trusts and estates, taxation of grantor trusts, and payment of estimated tax by trusts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-108-86.

Drafting attorney: Richard H. Smith, Jr. (202) 343-8558.

Reviewing attorney: Arthur H. Ernst (202) 566-3158.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Richard H. Smith, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-8558**

RIN: 1545–AJ20

2276. ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-164-84.

Drafting attorney: Claire E. Toth (202) 566-3830.

Reviewing attorney: John B. Bromell (202) 566-4320.

Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: Claire E. Toth, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3830**

RIN: 1545–AG98

2277. INCOME TAX--ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (d) Internal Revenue Code of 1986; 26 USC 704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-265-76.

Drafting attorney: Donna K. Douglas (202) 566-4543.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Greg Marich (202)566-2927.

Agency Contact: Donna Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4543

RIN: 1545–AB81

2278. INCOME TAX--TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-234-84.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: John B. Bromell (202) 566-4320.

Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-8459

RIN: 1545–AG83

2279. AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 707 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-163-84.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: John B. Bromell (202) 566-4320.

Office of Tax Legislative Counsel (Treasury) reviewing Treasury attorney: Greg Marich (202) 566-4979.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-8459

RIN: 1545–AH22

2280. CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 724 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-232-84.

Drafting attorney: Noah S. Baer (202) 566-3622.

Reviewing attorney: Thomas S. Hines (202) 566-6813.

Income Tax

Agency Contact: Noah S. Baer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3622

RIN: 1545–AG85

2281. FOREIGN INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 842 Internal Revenue Code of 1986; 26 USC 864(c)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulation will prescribe rules for determining income effectively connected with the conduct of an insurance business in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-024-88

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AL82

2282. INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses of property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of a company's loss payment pattern.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-139-86.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3294

RIN: 1545–AJ51

2283. ● TREATMENT OF CERTAIN LOSSES ATTRIBUTABLE TO PERIODS AFTER OCTOBER 31 OF A TAXABLE YEAR OF A REGULATED INVESTMENT COMPANY

Legal Authority: 26 USC 852 (b) (3) Internal Revenue Code of 1986; 26 USC 852 (b) (8) Internal Revenue Code of 1986; 26 USC 852 (c) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to certain losses attributable to periods after October 31 of a taxable year of a regulated investment company for purposes of determining taxable income, earnings and profits, and the amount which may be designated as capital gain dividends for a taxable year.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-105-88

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William E. Coppersmith (202) 566-3336.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Companies

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545–AM55

2284. INCOME TAX--ESSENTIAL ISSUES RELATING TO REAL ESTATE MORTGAGE INVESTMENT CONDUITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860E Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on real estate mortgage investment conduits, a new entity established to clarify the tax treatment of investment in real estate mortgages and mortgage backed securities.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-88-86.

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3827.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, 202 566-3458

RIN: 1545–AJ35

2285. ● INCOME TAX--REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICS); REPORTING REQUIREMENTS AND OTHER ADMINISTRATIVE MATTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 860G Internal Revenue Code of 1986; 26 USC 1275(c) Internal Revenue Code of 1986; 26 USC 6049(d)(7)(D) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance on how to elect REMIC status, and the reporting requirements on REMICs and brokers or middlemen holding as nominees for the actual owner.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-8-89

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3287.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Income Tax

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AM99

2286. TRANSPORTATION INCOME SOURCE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the source of income attributable to transportation which begins or ends in the United States.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-947-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income taxes

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AJ68

2287. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1986 -- SOURCE OF INCOME RULES FOR INCOME DERIVED FROM SPACE AND OCEAN ACTIVITIES INCLUDING TELECOMMUNICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863(d) Internal Revenue Code of 1986; 26 USC 863(e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance relating to determining the source of income derived from space, and certain ocean activities (excluding mining within the continental shelf.) The regulation will also provide guidance on determining the source of income derived from international telecommunications activities.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-949-86

Drafting attorney: Joseph M. Rosenthal (202) 566-3872.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: David Crowe (202) 566-8275.

13 Income taxes.

Agency Contact: Joseph M. Rosenthal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3872**

RIN: 1545–AJ84

2288. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expense attributable to interest rate swap agreements. Interest rate swap agreements are basically agreements used to hedge agreement interest rate fluctuation.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-773-87

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Bob Katcher (202) 634-5406.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL25

2289. ● TREATMENT OF DEFERRED PAYMENTS AND APPRECIATION ARISING OUT OF BUSINESS CONDUCTED WITHIN THE US

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the treatment of certain deferred payments and property transactions in sourcing effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-662-88

Drafting attorney: Emerson G. Yearwood (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Emerson G. Yearwood, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AM53

2290. SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for determining the source of income from sales of personal property. The regulation will set forth rules for sales by U.S. residents and non-residents and specify special rules for depreciable personal property, intangibles, sales connected with an office or other fixed place of business, and sales of a foreign affiliate by a U.S. corporation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-946-86

Drafting attorney: Carol P. Tello (202) 634-5404.

Reviewing attorney: Robert E. Culbertson (202) 634-5404.

Treasury attorney: Mary Bennett (202) 566-2964.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AJ83

2291. EMPLOYMENT TAXES--APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules enforcing the exclusion from portfolio interest treatment of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-920-87

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Employment taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM30

2292. INCOME TAX - RECIPROCAL EXEMPTIONS FOR CERTAIN TRANSPORTATION INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 883 Internal Revenue Code of 1986; 26 USC 872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to whether a foreign country will be considered to grant a reciprocal Aircraft/Shipping exemption to U.S. corporations for purposes of section 883 of the Code, or to U.S. citizens for purposes of section 872 of the Code.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-948-86

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income taxes.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ57

2293. EXCLUSION OF POSSESSION SOURCE INCOME FROM GROSS INCOME OF CERTAIN INDIVIDUALS AND TREATMENT OF CORPORATIONS ORGANIZED IN GUAM, SAMOA OR CNMI

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 876 Internal Revenue Code of 1986; 26 USC 881 Internal Revenue Code of 1986; 26 USC 931 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Tax Reform Act of 1986 eliminates the requirement that there be a mirrored system of taxation in Guam and the CNMI, and coordinates the tax system of these possessions and of American Samoa with the U.S. tax system. Guam the CNMI and American Samoa are granted full authority over their own local income tax systems, with respect to income of bona fide residents sourced within or effectively connected with the conduct of a trade or business within any of these possessions. This grant of authority is effective, however, only if and so long as an implementing agreement is in effect between the possession at issue and the United States which provides for elimination of double taxation, prevention of evasion or avoidance of U.S. tax exchange of information and other administrative matters. Regulations are needed to clarify who qualifies as a bona fide resident and to determine sourcing rules.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-968-86

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ80

2294. UNTIMELY FILING BY FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules regarding deductibility of expenses by a foreign corporation that does not file a timely tax return.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-74-86

Drafting attorney: Richard Chewning (202) 566-3490

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AJ74

2295. COMPUTATION OF INTEREST EXPENSE DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 882 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will revise the rules for the computation of the interest expense deduction of a foreign corporation.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-309-88

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Robert A. Katcher (202) 634-5406.

Treasury attorney: Chisoon Lee (202) 566-4979.

13 Income Taxes.

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., **202 634-5406**

RIN: 1545–AL84

2296. INCOME TAX -- PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN UNITED STATES REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897(g) Internal Revenue Code of 1986; 26 USC 897(e)(2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide rules for foreign partners disposing of an interest in a partnership holding United States real property interests, to determine the amount of gain or loss from such disposition for purposes of section 897(a).

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-384-88

Drafting attorney: James Sams (202) 634-5404.

Reviewing attorney: Robert Culbertson (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AL77

2297. DEEMED PAID CREDIT UNDER SECTIONS 902 AND 960 DETERMINED ON ACCUMULATED BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 902 (c)(7) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will modify the existing regulations to reflect changes in the computation of the indirect credit under the 1986 Act. The regulations will incorporate a pooling mechanism (rather than year-by-year) and will also reflect the separate basket computations under section 904(d).

Timetable:

Action	Date	FR Cite
NPRM	12/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-933-86

Drafting attorney: Kenneth Wood (202) 566-6276.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Kenneth Wood, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6276**

RIN: 1545–AL98

2298. CARRYBACK AND CARRYFORWARD OF FOREIGN TAX CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the carryback and carry forward of excess foreign tax credits under the provisions of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-945-86

Drafting attorney: Eli J. Dicker (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Eli J. Dicker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AM18

2299. ● SEPARATE APPLICATION OF SECTION 904 WITH RESPECT TO CERTAIN CATEGORIES OF INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the impact of the Technical Corrections and Miscellaneous Revenue Act of 1988

on section 904(d), the foreign tax credit limitation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-790-88

Drafting attorney: Caren S. Shein (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Caren S. Shein, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AM54

2300. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset a taxpayer's other foreign source income before such losses offset the taxpayer's U.S. source income. The regulation will provide rules for the allocation of foreign source losses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-370-88

Drafting attorney: Willard W. Yates (202) 566-3896.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Willard Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3896

RIN: 1545–AM11

2301. TREATMENT OF SHAREHOLDERS OF PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation relates to the treatment of shareholders of passive foreign investment companies.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-656-87

Drafting attorney: Gayle Novig (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mary Bennett (202) 566-5992.

Income Taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AC06

2302. ● SUSPENSION OF REQUIREMENT TO FILE A RECEIPT FOR FOREIGN TAXES PAID ON A RETURN FOR FOREIGN TAXES ACCRUED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address the suspension of the requirement to file a receipt for foreign taxes paid or a return for foreign taxes accrued.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-357-88

Drafting Attorney: Thomas D. Fuller (202) 634-5404.

Reviewing Attorney: Thomas D. Fuller (202) 634-5404.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Thomas D. Fuller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AM43

2303. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3083
NPRM Comment Period End	04/24/89	54 FR 3083
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-152-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

13 Income taxes.

TREAS—IRS **Proposed Rule Stage**

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AE34

2304. COORDINATION OF U.S. AND VIRGIN ISLANDS TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986, inhabitants of the Virgin Islands satisfied their U.S. tax liability by filing a return with the Virgin Islands. The Tax Reform Act of 1986 repealed the inhabitant rule to correct an erroneous interpretation of its operation in connection with the Virgin Islands mirror code. Section 1274 of the Tax Reform Act of 1986 clarifies the filing obligations of individuals in the Virgin Islands. Bona fide residents of the Virgin Islands are required to file only one return with the Virgin Islands in which they report worldwide income and identify the sources of income from the Virgin Islands will be required to file two identical tax returns one with the US and one with the Virgin Islands and pay a pro rata amount of tax to each. Regulations are needed to clarify who qualifies as a bona fide resident. It is anticipated that the regulations will provide a facts and circumstances test for determining bona fide resident status. It is unknown what the operational costs will be.

Timetable:

Action	Date	FR Cite
NPRM	05/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-969-86

Drafting attorney: Grace Perez-Navarro (202) 287-4851.

Reviewing attorney: Michael Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

Agency Contact: Grace Perez-Navarro, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ55

2305. ● REGULATIONS UNDER SECTION 932(B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will address United States residents earning income in the Virgin Islands and the United States.

Timetable:

Action	Date	FR Cite
NPRM	03/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-004-89

Drafting Attorney: John Brady (202) 287-4851.

Reviewing Attorney: George Sellinger (202) 287-4851.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: John Brady, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AM89

2306. ● CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that gives rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-053-89

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 343-0247.

13 Income taxes.

Agency Contact: W. Edward Williams, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, SW, Washington, DC 20024, **202 287-4851**

RIN: 1545–AM91

2307. AMENDMENT OF SECTION 936(H) WITH RESPECT TO ELECTION OF PRODUCT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would require that once a product election was made it could not be amended.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-450-87

Drafting attorney: Patricia A. Bray (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5992.

13 Income taxes.

Agency Contact: Patricia A. Bray, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AK77

2308. INSURANCE INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 953(c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation defines related person insurance income; sets forth rules exceptions certain foreign corporations from section 953 (a), and sets forth rules regarding the amount of related person insurance income to be included in gross income. In addition, the regulation defines insurance income under section 953 (a), prescribes rules of allocation and apportionment of deductions, and prescribes rules for the interaction of subchapter L and subchapter N.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-939-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: T. Timothy Tuerff (202 566-5896.

Treasury attorney: Peter Barnes (202) 566-5815

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ70

2309. ● SUBPART F SHIPPING AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address statutory changes under the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-654-88

Drafting attorney: Christine E. Arquit (202) 566-6645.

Reviewing attorney: Phyllis E. Marcus (202) 566-6645.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Christine E. Arquit, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AM46

2310. ● TAX ACCOUNTING ELECTIONS IN COMPUTING EARNINGS AND PROFITS OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will develop procedures for foreign corporations or U.S. shareholders to make tax elections in computing functional currency earnings and profits under the 1986 Code.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-040-89

Drafting attorney: Teresa Hughes (202) 634-5406.

Reviewing attorney: Barbara Felker (202) 634-5406.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Teresa Hughes, Attorney-Adviser, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 202224, 202 634-5406

RIN: 1545–AM90

2311. SECTION 988(D) - INTEGRATED HEDGING RULES FOR FOREIGN EXCHANGE GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules regarding fully hedged and partially hedged nonfunctional currency denominated transactions.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-966-86

Drafting attorney: Jeffrey Dorfman (202) 634-5406

Reviewing attorney: Alice Neff (202) 566-6645

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL15

2312. TAXATION OF EXCHANGE GAIN OR LOSS ON FOREIGN CURRENCY DENOMINATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 988 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules regarding the determination of gain or loss realized on section 988 transactions. Rules regarding the source and character of such gain or loss are also provided. The project also contains a definitional section which defines section 988 transactions, among other terms.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-936-86

Drafting attorney: Jeffrey Dorfman (202) 634-5406.

Reviewing attorney: Alice Neff (202) 566-6645.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: Jeffrey Dorfman, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL16

2313. DISC REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Conforming DISC regulations to FSC regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-104-88

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Richard L. Chewning (202) 566-6384.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AM05

2314. RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	07/08/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-237-84.

Drafting attorney: D. Lindsay Russell (202) 343-2361.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Adam Handler (202) 566-4902.

Agency Contact: D. Lindsay Russell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-2361

RIN: 1545–AH43

2315. INCOME TAX--NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1059 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-260-84.

Drafting attorney: Keith Engel (202) 566-6271.

Reviewing attorney: Peter Lynard (202) 566-6358.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Keith Engel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6271

RIN: 1545–AH41

2316. INCOME TAX--TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26 USC 263 (g) Internal Revenue Code of 1986; 26 USC 1256 Internal Revenue Code of 1986; 26 USC 1212 Internal Revenue Code of 1986; 26 USC 1236 Internal Revenue Code of 1986; 26 USC 1234A Internal Revenue Code of 1986; 26 USC 1232 Internal Revenue Code of 1986; 26 USC 1221 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-187-81.

Drafting attorney: James W. C. Canup (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

Treasury attorney: Kathleen Ferrell (202) 566-2928.

Agency Contact: James W. C. Canup, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AC21

2317. INCOME TAX--GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1248 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-42-86

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income taxes.

Agency Contact: David F. Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AC31

2318. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Cross-reference notice of proposed rulemaking to amend regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not recognized.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-910-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL88

2319. ● SECTION 1248 SALES AND EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will close a loophole in the section 1248 regulations, which currently allow a taxpayer to "bunch" income earned over several years into a single taxable year.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-458-87

Drafting Attorney: Thomas D. Fuller (202) 634-5404.

Reviewing Attorney: Thomas D. Fuller (202) 634-5404.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Thomas D. Fuller, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AM42

2320. INCOME TAX--TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1253 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-183-81.

Drafting attorney: Unassigned

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3928

RIN: 1545–AC34

2321. ● INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL, GAS, GEOTHERMAL OR OTHER MINERAL PROPERTIES BY S CORPORATIONS AND THEIR SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment by S corporations and their shareholders from the disposition of certain oil, gas, geothermal, or other mineral properties. Gain subject to recapture under section 1254 will be accorded ordinary income treatment. The regulations also will determine the tax treatment of sales of shares of stock in an S corporation that

holds oil, gas, geothermal, or other mineral properties.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-7-89

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Natural Resources

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AM98

2322. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-11-86.

Drafting attorney: Channing E. Brackey (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

13 Income Tax

Agency Contact: Channing E. Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3287

RIN: 1545–AI59

2323. DISPOSITION GAIN REPRESENTING ACCRUED MARKET DISCOUNT TREATED AS ORDINARY INCOME; DEFERRAL OF INTEREST DEDUCTION ALLOCABLE TO ACCRUED MARKET DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1276 Internal Revenue Code of 1986; 26 USC 1278 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the Treatment of Gain Realized on the Disposition of any Market Discount Bond as Ordinary Income. These regulations will also prescribe the extent to which a deduction for interest allocable to accrued market discount is deferred.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-21-85.

Drafting attorney: Carol A. Schwartz (202) 566-3297.

Reviewing attorney: Steve R. Glickstein (202) 566-3297.

Treasury attorney: Reed Shuldiner (202) 566-2l75.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C.20224, 202 566-3297

RIN: 1545–AH82

2324. INCOME TAX-TREATMENT OF STRIPPED BONDS AND STRIPPED COUPON

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1286 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the tax treatment of stripped bonds and stripped coupons purchased after July 1, 1982. In particular, guidance will be given as to the proper method for allocation of basis and purchase price.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-19-85.

Drafting attorney: Carol A. Schwartz(202) 566-3297.

Reviewing attorney: Alvin J. Kraft (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Reed Shuldiner (202) 535-6963.

Agency Contact: Carol A. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH75

2325. ● QEF SHAREHOLDER ELECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will address QEF shareholder election as it applies to section 1295.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-579-88

Drafting Attorney: Joseph S. Henderson (202) 634-5404.

Reviewing Attorney: Thomas D. Fuller (202) 634-5404.

Treasury Attorney: Unassigned.

13 Income Taxes.

Agency Contact: Joseph S. Henderson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AM41

2326. INCOME TAX–TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-4-73.

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: John Bromell (202) 566-4320.

Treasury attorney: Kathleen Ferrell (202) 566-5911.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-8459

RIN: 1545–AC37

2327. INCOME TAX–PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-261-82.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing

attorney: Bryan Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3822

RIN: 1545–AE85

2328. INCOME TAX–RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1367 Internal Revenue Code of 1986; 26 USC 1368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-264-82.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3822

RIN: 1545–AE88

2329. INCOME TAX–APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1371 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-265-82.

Drafting attorney: Judith C. Winkler (202) 377-9662.

Reviewing attorney: William O'Shea (202) 566-3244.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9662

RIN: 1545–AE90

2330. CROSS-REFERENCE–APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the section 1374 built-in gains tax to C corporations electing S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	05/12/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-4696.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-2455**

RIN: 1545–AK93

2331. INCOME TAX--DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would define and interpret special rules contained in Sections 1377 and 1379 of the Internal Revenue Code of 1986, the thereby giving guidance to the public on how the Internal Revenue Service intends to interpret those sections.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-268-82.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel Reviewing attorney:

Bryan P. Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3822**

RIN: 1545–AE94

2332. REVISED WITHHOLDING TAX REGULATION TO MODIFY "AS SOON AS PRACTICAL" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will modify a requirement of Treas. Reg. section 1.1441-6(c) regarding the time for filing of Form 1001. Section 1.1441-6(a) provides that the withholding rate shall be reduced as may be provided by a treaty with any country. To secure a reduced treaty withholding rate, subsection (c) of the regulation requires the recipient of the income to file Form 1001 (ownership, exemptions, or reduced rate certificate) with the withholding agent. The regulation further provides that each such Form 1001 filed with any withholding agent shall be filed "as soon as practicable". The "as soon as practicable" requirement will be changed to a narrowed and more objective time period.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-685-87

Drafting attorney: Lilo A. Hester (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: Lilo A. Hester, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 286-4851**

RIN: 1545–AL19

2333. WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the tax withheld against its U.S. income tax liability or apply for a refund. The notice will be published simultaneously with, and will cross-reference to, temporary regulations dealing with these matters (INTL-938-86). No significant policy issues are involved.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-980-86

Drafting attorney: David Chan (202) 634-5404.

Reviewing attorney: Robert E.Culbertson, Jr. (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AL30

2334. NONTAXABLE TRANSFERS UNDER SECTION 1491

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1492 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The purpose of the regulation is to exempt transfers of property to foreign partnerships from the excise tax imposed by section 1491, on the condition that gain attributable to the property at the time of transfer is taxed

to the transferor when subsequently disposed of by the foreign transferee partnership. The regulations will set forth the necessary conditions and exceptions to the exemption.

Timetable:

Action	Date	FR Cite
NPRM	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-260-88

Drafting attorney: Elizabeth Karzon (202) 566-3160.

Reviewing attorney: Charles Besecky (202) 566-3319.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Elizabeth Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3160

RIN: 1545–AL96

2335. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-222-81.

Drafting attorney: Richard Marsh (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3877.

Agency Contact: Richard Marsh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AC47

2336. INCOME TAX--APPLICATION OF SECTION 465 AT RISK LIMITATIONS TO MEMBERS THAT JOIN IN FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-75-79.

Drafting attorney: Richard E. Coss (202) 566-3422.

Reviewing attorney: Peter G. Lynard (202) 566-6358.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: Richard E. Coss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545–AC55

2337. INCOME TAX--DELETION OF THE REQUIREMENT OF SECTION 1.1502-47 (D) (12) (V) (C) THAT, IN APPLYING TACKING RULE, PROFITABLE AND LOSS LIFE ACTIVITIES NOT BE SEPARATED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will prospectively delete the requirement of section 1.1502-47 (d) (12) (v) (C) relating to the restriction on the separation of profitable activities from loss activities in applying the tacking rule to life insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-157-86

Drafting attorney: William Barry (202) 566-4551.

Reviewing attorney: Marcus Blumkin (202) 566-4551.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: William F. Barry, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4551

RIN: 1545–AI98

2338. CROSS-REFERENCE--CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporation acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	03/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-78-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

TREAS—IRS

Proposed Rule Stage

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2355

RIN: 1545–AK94

2339. CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides revisions of consolidated return regulations under sections 1.1502-14 and 1.1502-31.

Timetable:

Action	Date	FR Cite
NPRM	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-4-88

Drafting attorney: Richard Marsh (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3877.

13 Income Taxes

Agency Contact: Richard Marsh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AL44

2340. REVISION OF SECTION 1.1502-33

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide new rules for determining earnings and profits of each member of the consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-68-88

Drafting attorney: Richard Marsh (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3484.

Treasury attorney: Thomas Wessel (202) 566-2927 and Bryan Collins (202) 566-2175.

13 Income Tax

Agency Contact: Richard Marsh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AL60

2341. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS TO ADDRESS TREATMENT OF CERTAIN ORGANIZATIONS WHOSE TAX-EXEMPT STATUS WAS REVOKED BY THE 1986 ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 833 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will specify the consolidated return ramifications of the revocation of the tax-exempt status of certain organizations by section 833 of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-67-88

Drafting attorney: Jean M. Whalen (202) 566-6212.

Reviewing attorney: Edward S. Cohen (202) 566-3484.

13 Income Tax

Agency Contact: Jean M. Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AL64

2342. ● PAYMENT OF REFUNDS TO CERTAIN FIDUCIARIES OF INSOLVENT MEMBERS OF AFFILIATED GROUPS

Legal Authority: 26 USC 1502 Internal Revenue Code of 1986; 26 USC 6402 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1502; 26 CFR 6402

Legal Deadline: None

Abstract: The regulations will address in what instances a refund can be paid to the court appointed fiduciary of an insolvent corporation which is a member of an affiliated group of corporations filing a consolidated return when to the extent, that the Secretary determines the refund is attributable to losses or credits of the insolvent corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-98-88

Drafting attorney: Rose Williams (202) 566-3354.

Reviewing attorney: Lewis Brickates (202) 566-3877.

Treasury attorney: Bryan Collins (202) 566-8277.

Income Taxes

Agency Contact: Rose Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3354

RIN: 1545–AM74

2343. ● CROSS REFERENCE - TREATMENT OF DISTRIBUTORS AFTER THE SALE OF A SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-32T

Legal Deadline: None

Abstract: When a member of an affiliated group filing a consolidated return sells the stock of a subsidiary member after the subsidiary declares a dividend, but before the dividend is paid, the seller does not reduce its basis in the subsidiary stock because

the dividend is paid after affiliation is broken. However, the subsidiary's value is reduced by its obligation to pay the dividend. Hence, the selling member could claim an unwarranted reduction in gain or increase in loss on the sale of the subsidiary. This regulation will alleviate this problem by deeming the dividend to have been made immediately before the disposition. Accordingly, the appropriate basis adjustments should be made.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-5-89

Drafting attorney: Richard Marsh (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3484.

Treasury attorney: Bryan Collins (202) 566-2175.

Agency Contact: Richard Marsh, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AN01

2344. DUAL RESIDENT COMPANIES-LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: If a United States corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a United States affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for United States tax purposes, its loss will be of available to offset.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-399-88

Drafting attorney: Shannon M. Votava (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: Shannon M. Votava, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AM16

2345. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-338-88

Drafting attorney: Kenneth Allison (202) 566-6457.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AC58

2346. INCOME TAX -- AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-152-84.

Drafting attorney: Kenneth Cohen (202) 566-3877.

Reviewing attorney: Edward Cohen (202) 566-3484.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3877

RIN: 1545–AH09

2347. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986; 26 USC 2010 Internal Revenue Code of 1986; 26 USC 2011 Internal Revenue Code of 1986; 26 USC 2012 (a) Internal Revenue Code of 1986; 26 USC 2012 (c) Internal Revenue Code of 1986; 26 USC 2013 (b) Internal Revenue Code of 1986; 26 USC 2013 (e) (1) Internal Revenue Code of 1986; 26 USC 2014 (b) (2) Internal Revenue Code of 1986; 26 USC 2035 Internal Revenue Code of 1986; 26 USC 2038 (a) Internal Revenue Code of 1986; 26 USC 2044 Internal Revenue Code of 1986; 26 USC 2052 Internal Revenue

Code of 1986; 26 USC 2104 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Legal Deadline: None

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. In addition, the regulations clarify the situs test of foreign partnerships for purposes of the estate taxation of nonresident alien decedents. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-212-76.

Drafting attorney: Deborah S. Ryan (202) 535-9511.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Agency Contact: Deborah S. Ryan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 535-9511

RIN: 1545–AC60

2348. ESTATE TAX--VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2032A Internal Revenue Code of 1986; 26 USC 2013 (f) Internal Revenue Code of 1986; 26 USC 1016 (c) Internal Revenue Code of 1986; 26 USC 1040 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 1

Legal Deadline: None

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-209-81.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Office of the Tax Legislative Counsel (Treasury) reviewing attorney: Not Available

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 535-9512

RIN: 1545–AC62

2349. ● ESTATE TAX - INCLUSION OF ESTATE FREEZES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: Through the use of various transactions taxpayers have been able to "freeze" the value of an enterprise by "transferring" a major portion of the enterprise while retaining managerial rights. Section 2036 (c) requires that an estate include the value of "frozen" enterprises where the transferor in effect transfers future appreciation while retaining present income or managerial rights.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-101-88

Drafting attorney: Fred G. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Not available

Estate and Gift Taxes

Agency Contact: Fred Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 535-9512

RIN: 1545–AM59

2350. ● ALIEN SPOUSE MARITAL DEDUCTION

Legal Authority: 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2056A Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 2106 Internal Revenue Code of 1986; 26 USC 6324 Internal Revenue Code of1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 2001 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property where the surviving spouse or donee spouse is not a United States citizen. The regulations will prescribe how certain transfers to a qualified domestic trust for the benefit of an alien spouse will qualify for the estate tax marital deduction. The regulations will also describe the manner on which an estate tax is imposed in the case of any principal distribution from a qualified domestic trust before the death of the surviving spouse and upon the value of the property remaining in the trust upon the surviving spouse's death.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-88

Drafting attorney: Susan Hurwitz (202) 566-5983.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Estate and Gift Taxes

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-5983

RIN: 1545–AM85

2351. ESTATE TAX-GENERATION-SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26

Legal Deadline: None

Abstract: The regulations will provide rules relating to certain definitions, the allocation of the transferor's GST exemption, and the determination of inclusions ratios.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-73-88

Drafting attorney: John B. Franklin (202) 535-9514.

Reviewing attorney: Fred Grundeman (202) 535-9512.

Treasury attorney: Not Available

13 Estate and Gift Tax

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 ConstitutionAvenue, N.W., Washington, D.C. 20224, 202 535-9514

RIN: 1545–AL75

2352. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986

CFR Citation: 26 CFR 36

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-38-88.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-6650.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AF91

2353. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6302 (c) Internal Revenue Code of 1886

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-142-87.

Drafting attorney: Gregory J. Stull (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AF97

2354. EMPLOYMENT TAX–WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 Internal Revenue Code of 1986; 26 USC 6047 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-115-82.

Drafting attorney: Gregory Stull (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Gregory Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AE98

2355. WITHHOLDING ON CERTAIN DEFERRED PAYMENTS OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3405 (d) (13) Internal Revenue Code of 1986

CFR Citation: 26 CFR 35

Legal Deadline: None

Abstract: The regulation will provide questions and answers dealing with circumstances under which an election for no withholding on employer deferred compensation plan payments may not be made.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-956-86.

Drafting attorney: Gerald H. Parshall, Jr. (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Gerald H. Parshall, Jr., Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AL31

2356. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-224-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3627**

RIN: 1545–AE20

2357. ● CLARIFYING AMENDMENTS TO SECTION 35A.3406-1 REGARDING BACKUP WITHHOLDING DUE TO AN INCORRECT TIN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to an incorrect TIN.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-104-88

Drafting Attorney: Renay France (202) 566-3627.

Reviewing Attorney: John Coulter (202) 566-3928.

Employment Taxes.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3627**

RIN: 1545–AM51

2358. EXCISE TAX--RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-30-83.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4077**

RIN: 1545–AF61

2359. REVISION OF SECTION 48.4181-1(A)(2) OF THE MANUFACTURERS AND RETAILERS EXCISE TAX REGULATIONS RELATING TO THE TAX ON FIREARM PARTS AND ACCESSORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulation will clarify the meaning of the terms "complete firearm" and "parts or accessories of firearms"

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-69-88

Drafting attorney: Donald Fidlow (202) 566-3904.

Reviewing attorney: Richard Kocak (202) 566-3434

13 Excise Tax

Agency Contact: Donald Fidlow, Tax Law Specialist, Department of the Treasury, Internal Revenue Service,

1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3904

RIN: 1545–AL72

2360. INCOME TAX, EXCISE TAX, AND ENVIRONMENTAL TAX--IMPOSITION OF TAXES ON PETROLEUM, CERTAIN CHEMICALS, AND CORPORATIONS AND ADDITIONAL EXCISE TAXES ON CERTAIN FUELS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 59A Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986; 26 USC 4042 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4611 Internal Revenue Code of 1986; 26 USC 4612 Internal Revenue Code of 1986; 26 USC 4661 Internal Revenue Code of 1986; 26 USC 4662 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 48; 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental taxes on petroleum, certain chemicals, and additional excise taxes on certain fuels. The regulations will also provide rules for the computation of the environmental tax imposed on the modified alternative minimum taxable income of corporations.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-158-86.

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-4902.

Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AJ23

2361. TAX ON CERTAIN IMPORTED SUBSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4671 Internal Revenue Code of 1986

CFR Citation: 26 CFR 52

Legal Deadline: None

Abstract: The regulations will provide rules for the computation of the environmental tax on certain imported chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-71-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Jeff Nelson (202) 566-4077.

Treasury attorney: Evelyn Brody (202) 566-4902.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AL73

2362. INCOME TAX--LOBBYING BY PUBLIC CHARITIES AND PRIVATE FOUNDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (h) Internal Revenue Code of 1986; 26 USC 504 Internal Revenue Code of 1986; 26 USC 4911 Internal Revenue Code of 1986; 26 USC 170 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Legal Deadline: None

Abstract: The regulations will provide rules applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures, and will also apply to lobbying expenditures by private foundations.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51826
NPRM Comment Period End	03/03/89	53 FR 51826
Hearing	04/03/89	53 FR 51826
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-154-78.

Drafting attorney: Jerome P. Walsh Skelly (202) 566-3505.

Reviewing attorney: Paul G. Accettura (202) 566-3505.

Agency Contact: Jerome P. Walsh Skelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3505

RIN: 1545–AE02

2363. INCOME TAX--EXCISE TAX--PROCEDURE AND ADMINISTRATION--VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4940 Internal Revenue Code of 1986; 26 USC 4941 Internal Revenue Code of 1986; 26 USC 4942 Internal Revenue Code of 1986; 26 USC 4943 Internal Revenue Code of 1986; 26 USC 4945 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 53

Legal Deadline: None

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-76-84.

Drafting attorney: V. A. Moore (202) 566-4503.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4503**

RIN: 1545–AG18

2364. EXCISE TAX -- PART 54, REVERSION OF QUALIFIED PLAN ASSETS TO EMPLOYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986; PL 99-514, Sec 1132

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the excise tax on reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-165-86

Drafting attorney: Vernon Carter (202) 566-3539.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Vernon S. Carter, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3539**

RIN: 1545–AI82

2365. ELECTRONIC FILING OF TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance and standards to taxpayers governing the electronic filing of individual income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-21-87

Drafting attorney: Celia Gabrysh (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Celia A. Gabrysh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6320**

RIN: 1545–AL01

2366. AMENDMENT OF SECTION 1.6033-2 (G) (5) RELATING TO RETURNS BY AN INTEGRATED AUXILIARY OF A CHURCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 91-172, Sec 101 (d) (1) Tax Reform Act of 1969

CFR Citation: 26 CFR 1.6033-2(g)

Legal Deadline: None

Abstract: These regulations will revise the definition of integrated auxiliary of a church in Section 1.6033-2 (g) (5) of the Treasury Regulations to be consistent with Rev. Proc. 86-23, 1986-1 CB 564.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-41-86.

Drafting attorney: V.A. Moore (202) 566-4503.

Reviewing attorney: Paul Accettura (202) 566-6478.

Agency Contact: V.A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4503**

RIN: 1545–AI52

2367. INFORMATION WITH RESPECT TO CERTAIN FOREIGN-OWNED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 foreign controlled foreign corporations doing business in the US and foreign controlled US corporations are required to report transactions with related foreign corporations. The 86 Act requires such entities to report transactions with all related foreign parties, whether or not corporations. The Act also provides a new definition for the term related parties, and requires information necessary to carry out the installment sales rules, as amended by such Act, to also be reported.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-958-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ56

2368. RETURNS, ETC. ON CERTAIN FRINGE BENEFIT PLANS

Legal Authority: 26 USC 6039D Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance concerning a return required by specified fringe benefit plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-117-84.

Drafting attorney: Sylvia F. Hunt (202) 566-3251.

Reviewing attorney: Harry Beker (202) 566-3251.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3251

RIN: 1545–AI22

2369. INFORMATION REGARDING RESIDENT STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6039E Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will prescribe the information to be gathered by the State Department and Immigration and Naturalization Service on Passport and Green card applicants and the penalties to be imposed on such applicants if they do not supply the information.

Timetable:

Action	Date	FR Cite
NPRM	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-978-86

Drafting attorney: Gerald H. Parshall, Jr. (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: P. Ann Fisher (202) 566-4979.

13 Income Taxes.

Agency Contact: Gerald H. Parshall, Jr., Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ93

2370. ● INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 7805; 26 CFR 6045

Legal Deadline: None

Abstract: This regulation would provide additional rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: IA-94-88

Drafting Attorney: Arthur E. Davis III (202) 377-9581

Reviewing Attorney: David L. Crawford (202) 377-9590

Treasury Attorney: J. Judge Kelley (202) 566-2175

Income Tax

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545–AM38

2371. INCOME TAX REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6046A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-879-86

Drafting attorney: Robert A. Walker (202) 287-4851.

Reviewing attorney: George M. Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-5992.

13 Income Taxes.

Agency Contact: Robert A. Walker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, 202 287-4851

RIN: 1545–AK75

2372. REPORTING OF PLAN DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6047 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: Legislative changes require that increased numbers of retirees and plan participants must make complex calculations of the taxable amount of distributions they receive from qualified plans. The regulations will require the payor of a qualified plan distribution (or the plan administrator) to calculate the taxable amount and to report it on the appropriate information return.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-29-88

Drafting attorney: Gregory J. Stull (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Gregory J. Stull, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AL54

2373. INCOME TAX–TO REQUIRE ISSUERS OF CERTIFICATES OF DEPOSIT TO FURNISH ISSUE PRICE TO BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposed regulations would amend existing regulations to require

issuers to furnish the issue price to brokers.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-63-87

Drafting attorney: Laura Ann M. Lauritzen (202) 566-3458.

Reviewing attorney: Tom Lyden (202) 566-3287.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Laura Ann M. Lauritzen, Attorney, Department of the Treasury, Internal Revenue Service, IIII Constitution Ave., N.W., Washington, D. C. 20224, **202 566-3458**

RIN: 1545–AK36

2374. EXTENSION OF TIME TO FILE FOR TAXPAYERS TRAVELING OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Notice by cross-reference to temporary regulations under section 6081 of the Code relating to extension of time to file income tax returns.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-461-87

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3499**

RIN: 1545–AM06

2375. ● AGREEMENTS FOR PAYMENT FOR TAX LIABILITY IN INSTALLMENTS

Legal Authority: 26 USC 6159 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6159

Legal Deadline: None

Abstract: Prior law did not address the authority of the Internal Revenue Service to enter into installment payment agreements with taxpayers. New code section 6159, as added by the Technical and Miscellaneous Revenue Act of 1988, authorizes such agreements and specifies the circumstances under which the Service may modify or terminate such an agreement and when the Service must provide prior notice of a determination to modify or terminate an agreement. New regulations implementing section 6159 will be drafted in order to provide taxpayers and the Service specific guidance on the requirements and responsibilities imposed by this provision.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-708-88

Drafting attorney: Mitchel Hyman (202) 566-4620.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4620**

RIN: 1545–AM66

2376. ESTATE TAX--PROCEDURE AND ADMINISTRATION--DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6166 Internal Revenue Code of 1986; 26 USC 6161 Internal Revenue Code of 1986; 26 USC 6151 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-210-76.

Drafting attorney: Donald W. Kanuk (202) 566-3862.

Reviewing attorney: Vincent G. Cardella (202) 566-4425.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3862**

RIN: 1545–AD23

2377. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6242 Internal Revenue Code of 1986; 26 USC 6243 Internal Revenue Code of 1986; 26 USC 6244 Internal Revenue Code of 1986; 26 USC 6233 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 51

Legal Deadline: None

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-269-82.

Drafting attorney: William J. Gregg (202) 566-3623.

Reviewing attorney: Dianna K. Miosi (202) 566-4070.

Office of Tax Legislative Counsel Reviewing attorney: Bryan Collins (202) 566-8277.

Agency Contact: William J. Gregg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3623

RIN: 1545–AE96

2378. PROCEDURE AND ADMINISTRATION REGULATIONS--PAYMENT OF TAXES BY CHECK OR MONEY ORDER AND LIABILITY OF FINANCIAL INSTITUTIONS FOR UNPAID TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6311 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will describe the circumstances under which taxpayers may pay taxes by check, money order or other guaranteed draft and the circumstances under which financial institutions on which such instruments are drawn may be liable for unpaid taxes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-549-87.

Drafting attorney: Nancy Olszewski (202) 566-4014.

Reviewing attorney: Robert Miller (202) 566-3362.

Agency Contact: Nancy Olszewski, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4014

RIN: 1545–AI24

2379. ● NOTICE OF LIEN ON PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6323 (f)(1)(ii),(Revision); 26 CFR 1.6323 (f)(5)

Legal Deadline: None

Abstract: The purpose of these regulations is to solve the problem that arose in the case of United States v. Air Florida,Inc. 56 B.R. 732 (S.D. Fla. 1985). The regulations will provide that if a state has adopted a Federal law establishing a place for the filing of liens under a national filing system, the state is not considered to have a second office for filing of the notice of lien. The regulations will also provide that the filing of a notice of Federal tax lien is governed solely by the Internal Revenue Code and is not subject to any other Federal law establishing a national filing system.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-719-88

Drafting attorney: Holly J. Wilson (202) 566-3579.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Holly J. Wilson, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3579

RIN: 1545–AM64

2380. PROCEDURE AND ADMINISTRATION--RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6325 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6337 Internal Revenue Code of 1986; 26 USC 7426 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the length of post-sale redemption period currently specified in the regulations. The proposed regulations provide rules for service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-547-87.

Drafting attorney: Kevin B. Connelly (202) 566-3975.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Agency Contact: Kevin B. Connelly, Senior Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3975

RIN: 1545–AE82

2381. ● ADMINISTRATIVE APPEAL OF THE FILING OF NOTICE OF FEDERAL TAX LIEN

Significance: Agency Priority

Legal Authority: PL 100-647, Sec 6238; 26 USC 6326

CFR Citation: 26 CFR 1.6326

Legal Deadline: NPRM, Statutory, May 9, 1989.

Abstract: Section 6238 establishes a new section 6326 of the Internal Revenue Code. The new section 6326 (a) provides that the Secretary shall prescribe regulations that provide for the administrative appeal of the filing of notice of Federal tax lien. Section 6326 (b) provides that if the Secretary

determines that the Service has erroneously filed a Federal tax lien, the Secretary must expeditiously and to the extent practicable, within 14 days after such determination, issue a certificate of release of the lien. This certificate must include a statement that the filing was erroneous. We currently are in the process of drafting regulations pursuant to section 6326. The regulations will address what issues are appealable under section 6326, to whom an appeal should be made, and the procedures for appeal.

Timetable:

Action	Date	FR Cite
NPRM	05/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-704-88

Drafting attorney: Kevin B. Connelly (202) 566-3975.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Kevin B. Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3975

RIN: 1545–AM62

2382. ● LEVY AND DISTRAINT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6331 Internal Revenue Code of 1986; 26 USC 6332 Internal Revenue Code of 1986; 26 USC 6334 Internal Revenue Code of 1986; 26 USC 6335 Internal Revenue Code of 1986; 26 USC 6343 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6331-1; 26 CFR 301.6331-2; 26 CFR 301.6332-1; 26 CFR 301.6334-1; 36 CFR 301.6334-2; 26 CFR 301.6334-3; 26 CFR 301.6334-4; 26 CFR 301.6334-5; 26 CFR 301.6334-6; 26 CFR 301.6334-7; 26 CFR 301.6335-1; 26 CFR 301.6343-1

Legal Deadline: None

Abstract: Sections 6331, 6332, 6334, 6335, and 6343 of the Internal Revenue Code of 1986 were amended by section 6236 of the Technical and Miscellaneous Revenue Act of 1988 to increase certain exemptions from levy, to provide procedures for the release of levies, to preclude certain levies, to exempt a taxpayer's principal residence from levy in most instances, and to require banks to hold levied accounts for 21 days after a levy is served. The treasury regulations promulgated under those sections of the Internal Revenue Code must by changed to conform to the new statutory language.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-709-88

Drafting attorney: Anne P. Rosselot (202) 566-3441.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Anne P. Rosselot, Docket Attorney (General Litigation Div.), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3441

RIN: 1545–AM70

2383. ● EFFECT OF HONORING A LEVY

Legal Authority: 26 USC 6332 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.632-1(c)

Legal Deadline: None

Abstract: Section 1.6332-1(c) currently provides that any person in possession of or obligated with respect to property or rights to property subject to levy and upon which levy has been made who surrenders the property or rights to property, or discharges the obligation to the district director is discharged from any obligation or liability to the delinquent taxpayer. Section 1015(t) of Technical and Miscellaneous Revenue Act of 1988 amends Section 6332 of the Internal Revenue Code to provide that a person who honors a levy is protected from any obligation or liability to any other person as well as the delinquent taxpayer. This should cause a reduction in the number of interpleader actions filed because of concerns over liability to third parties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: GL-720-88

Drafting attorney: Charles E. Samuel (202) 566-3945.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Charles E. Samuel, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3945

RIN: 1545–AM72

2384. GASOLINE EXCISE TAX DEFINITIONS, NOTIFICATION OF REGISTRATION REQUIREMENTS, AND SECTION 6416 PROCEDURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 6416 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the gasoline excise tax definition of trader, notification of registration verification procedures required for tax-free or reduced rate of transfers of gasoline, and additional requirements under section 6416 claims.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-11-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AL69

2385. PROCEDURE AND ADMINISTRATION REGULATIONS--EXTENSION OF THE PERIOD FOR ASSESSMENT OF TAX IN CERTAIN CIRCUMSTANCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6501 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will describe circumstances under which the normal three-year period for the assessment and collection of tax may be extended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-162-85.

Drafting attorney: Michael J. Grace (202) 566-6460.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3928.

Agency Contact: Michael J. Grace, Attorney/Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6460

RIN: 1545–AI23

2386. ● COLLECTION AFTER ASSESSMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6502-1

Legal Deadline: None

Abstract: Section 6502 of the Internal Revenue Code of 1986 was amended by section 1015(u) of the Technical and Miscellaneous Revenue Act of 1988, to provide that the statute of limitations on administrative collection is extended if a timely suit to collect is commenced and, furthermore, that the statute is extended until any judgment obtained becomes unenforceable. Treasury Regulation 301.6502-1 must be changed to conform to this new statutory provision.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: GL-721-88

Drafting attorney: Anne P. Rosselot (202) 566-3441.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Anne Rosselot, Docket Attorney (General Litigation Div.), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3441

RIN: 1545–AM71

2387. DIFFERENTIAL INTEREST RATES AND EXPANDED CREDITING OF OVERPAYMENTS AGAINST UNDERPAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will explain the computation of interest on underpayments and overpayments of tax, including the extent to which underpayments and overpayments will be offset in computing interest.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-123-86

Drafting attorney: Forest Boone (202) 566-3861.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Agency Contact: Forest Boone, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AK06

2388. ● DETERMINING LARGE CORPORATION STATUS FOR CONSOLIDATED RETURN GROUPS PAYING ESTIMATED TAX

Legal Authority: 26 USC 6655(j) Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-5

Legal Deadline: None

Abstract: Section 6655(d)(2) of the IRC of 1986 requires large corporations to make estimated tax payments based on 90 percent of their current year's tax. Section 6655(g)(2) defines a large corporation as one who itself (or a predecessor corporation) had taxable income of $1,000,000 or more in any of the three previous taxable years. The regulation will address difficulties in applying the definition to an affiliated group of corporations filing a consolidated return.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-87-88

Drafting attorney: Brendan P. O'Hara (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Treasury attorney: Marc Levy (202) 566-4902.

Procedure and Administration

Agency Contact: Brendan O'Hara, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AM75

2389. PROCEDURE & ADMINISTRATION--ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS AND UNDERSTATEMENTS, AND INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6659 Internal Revenue Code of 1986; 26 USC 6653 Internal Revenue Code of 1986; 26

USC 6660 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements and understatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement or understatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-272-81.

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4442

RIN: 1545–AD39

2390. USE OF FACSIMILE SIGNATURES BY INCOME TAX RETURN PREPARERS OF FORMS 1041, U.S. FIDUCIARY INCOME TAX RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6695 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6695-1 (b)

Legal Deadline: None

Abstract: Section 1.6695-1 (b) currently requires that, with one exception, income tax return preparers must manually sign returns or claims for refund signed by them. The exception does allow preparers of returns and refund claims for nonresident aliens to use facsimile signatures under certain circumstances. Section 645 (a) of the Internal Revenue Code, added by section 1403 (a) of the Tax Reform Act of 1986, requires trusts, with certain limited exceptions, to use a calendar taxable year. The calendar year requirement means that, instead of being able to spread their duty to sign trust returns over the entire course of a year, preparers must now sign all trust returns before April 15 in order to present them to clients for timely filing. To alleviate this hardship, we are examining the advisability of permitting income tax return preparers of Forms 1041, U.S. Fiduciary Income Tax Returns, to use facsimile signatures and under what conditions such use would be permitted and appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

GL-238-88

Drafting attorney: Nancy Olszewski (202) 566-4014.

Reviewing attorney: Robert A. Miller (202) 566-3362.

13 Procedure and Administration

Agency Contact: Nancy Olszewski, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4014

RIN: 1545–AL49

2391. INCOME TAX–PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6867 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.6867

Legal Deadline: None

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-548-87.

Drafting attorney: John C. Isaacs (202) 566-3257.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Agency Contact: John C. Isaacs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3257

RIN: 1545–AE30

2392. FORFEITURE OF LAND SALES CONTRACT WITH RESPECT TO DISCHARGE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation will address the issue of when a land sales contract is considered to be forfeited for Federal tax purposes. It may be necessary, in so doing, to provide a definition or other guidelines as to what constitutes a land sales contract for purposes of this provision.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-550-87

Drafting attorney: Richard Preston (202) 566-3257.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Richard Preston, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3257

RIN: 1545–AK24

TREAS—IRS

Proposed Rule Stage

2393. REDEMPTIONS OF REAL PROPERTY UNDER IRC 7425 - EXCESS EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7425 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Section 301.7425-4(b)(3)(ii), which deals with excess expenses incurred by a purchaser of property after a foreclosure sale and before redemption, provides that the Service may request a written itemized statement from the purchaser regarding excess expenses with 15 days, it shall be presumed that no excess expenses are payable. However, even after the 15-day period expires, a payment for excess expenses shall be made after the redemption within a reasonable time following the verification by the district director of a written itemized statement submitted by the purchaser. There is no specific time frame set for the purchaser to submit his claim after the redemption and after the expiration of the 15-day period. We are examining the feasibility of establishing a 30-day time limit within which a final claim for excess expenses must be submitted by the purchaser after the sale of the property. This will eliminate claims for reimbursement of expenses that may be submitted after redemption and sale of the property, where the liens were fully satisfied and released, and all surplus funds returned to the taxpayer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-520-87

Drafting attorney: Barton J. Uze (202) 566-3975.

Reviewing attorney: Robert A. Miller (202) 566-3362.

13 Procedure and Administration

Agency Contact: Barton J. Uze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, 202 566-3975

RIN: 1545–AL20

2394. ● REVIEW OF JEOPARDY LEVY AND ASSESSMENT PROCEDURES

Legal Authority: 26 USC 7429 Internal Revenue Code of 1986 PL 100-647, Sec 6237; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.7429

Legal Deadline: None

Abstract: Section 7429 currently provides for administrative and judicial review of jeopardy assessments, but these review procedures do not apply to jeopardy levies. The Technical and Miscellaneous Revenue Act of 1988, PL 100-647, Sec. 6237, extends the review procedures of Section 7429 to the review of jeopardy levies and provides concurrent jurisdiction to the Tax Court with Federal District courts with respect to actions challenging a jeopardy assessment or jeopardy levy, provided a Tax Court petition is filed prior to the making of the assessment or levy. We are examining whether any regulations need to be promulgated under the statutory amendment. In particular, we are examining whether any procedural guidelines for the filing of actions in the Tax Court are needed by means of regulations, or whether revision to Tax Court rules is more appropriate. We are also examining whether the revised review procedures contain any ambiguity for which clarification by way of regulation would be helpful.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: GL-710-88

Drafting attorney: John C. Isaacs (202) 566-3257.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: John C. Isaacs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3257

RIN: 1545–AM68

2395. ● CIVIL DAMAGES FOR FAILURE TO RELEASE LIEN

Legal Authority: PL 100-647, Sec 6240; 26 USC 7432

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The new section 7432 grants taxpayers the right to bring a cause of action for damages in Federal District court if any officer or employee of the Internal Revenue Service knowingly or negligently fails to release a lien under section 6325 on property of the taxpayer. Damages will not be awarded for failure to release a lien unless the court determines that the taxpayer has exhausted all administrative remedies within the Internal Revenue Service. The Secretary must provide by regulations a reasonable procedure for the taxpayer to notify the Service of a failure to release a lien on property of the taxpayer. Currently, we are considering regulations that will provide procedures for a taxpayer to notify the Service of a failure to release a lien and procedures for administrative exhaustion of remedies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-706-88

Drafting attorney: Kevin B. Connelly (202) 566-3975.

Reviewing attorney: Robert A. Miller (202) 566-3363.

Procedure and Administration

Agency Contact: Kevin B. Connelly, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3975

RIN: 1545–AM63

2396. ● CIVIL CAUSES OF ACTION FOR DAMAGES SUSTAINED DUE TO CERTAIN UNAUTHORIZED ACTIONS BY I.R.S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6241; 26 USC 7433

CFR Citation: 26 CFR 1.7433

Legal Deadline: None

Abstract: PL 100-647, Sec 6241, adds a new section 7433 to the Internal Revenue Code. This provision allows taxpayers to sue the Internal Revenue Service to recover economic damages if a Service employee, in connection with the collection of a tax, recklessly or intentionally disregards any provision of the Code or regulations. The new implementing regulation will establish administrative remedies for taxpayers to meet the statutory requirement that administrative remedies be exhausted prior to a court award of damages. The regulation will also outline what steps taxpayers should take to satisfy the statutory requirement that they mitigate their damages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-707-88

Drafting attorney: Miriam A. Howe (202) 566-3257.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Miriam A. Howe, Senior Attorney (Tax), Department of the Treasury, Internal Revenue Service, 1111 ConstitutionAvenue, N.W., Washington, D.C. 20224, **202 566-3257**

RIN: 1545–AM65

2397. ● ESTATE AND GIFT TAX VALUATION TABLES

Legal Authority: 26 USC 7520 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7520; 26 CFR 1.642, (Revision); 26 CFR 1.664, (Revision); 26 CFR 20.2031, (Revision); 26 CFR 25.2512, (Revision)

Legal Deadline: None

Abstract: Section 7520 of the Internal Revenue Code, as added by section 5031 of the Technical and Miscellaneous Revenue Act of 1988, requires that the value of any annuity, any interest for life or a term of years, and any remainder or reversionary interest be determined under valuation tables, revised periodically and the applicable Federal interest rate for the month of the valuation of the interest. The regulations will address the use of the tables, which will be published separately, and will contain rules for making an election where charitable transfers are involved. It will also include rules for rounding the applicable interest rates. In addition, the regulations will modify the current regulations for gift, estate, and charitable transfers of annuity trusts, and unitrusts and pooled income funds.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-100-88

Drafting attorney: William L. Blodgett (202)377-9666.

Reviewing attorney: Lee Dunn (202) 566-4626.

Treasury attorney: Unknown

Procedure Involving Taxpayer Interviews

Agency Contact: William L. Blodgett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9666**

RIN: 1545–AM81

2398. ● PROCEDURES INVOLVING TAXPAYER INTERVIEWS (TIME AND PLACE OF EXAMINATION)

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7605 Internal Revenue Code of 1986; PL 100-647, Sec 6228 Taxpayer Bill of Rights 102 Stat. 3342

CFR Citation: 26 CFR 301.7605-1(a), (Revision)

Legal Deadline: NPRM, Statutory, November 10, 1989. Final, Statutory, November 10, 1992.

Abstract: Section 7605(a) of the Internal Revenue Code, 26 USC 7605(a), and section 301.7605-1(a) of the regulations currently provide the time and place of an examination shall be fixed by an officer or employee of the Internal Revenue Service and shall be reasonable under the circumstances. No regulations have been promulgated elaborating on this provision. The Taxpayer Bill of Rights requires the publication within one year of regulations enumerating standards for determining whether the selection of a time and place for interviewing a taxpayer is reasonable. These regulations are to provide that if it is generally not reasonable for the IRS to require a taxpayer to attend an examination at an IRS office within the assigned district other than the office located closest to the taxpayer's home. They will also provide it is generally not reasonable for the IRS to audit a taxpayer at his or her place of business if the business is so small that doing so will essentially require the taxpayer to close his business.

Timetable:

Action	Date	FR Cite
NPRM	11/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: GL-705-88

Drafting attorney: Nancy Olszewski (202) 566-4014.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Nancy Olszewski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4014**

RIN: 1545–AM69

2399. PROCEDURE AND ADMINISTRATION - SUSPENSION OF STATUTES OF LIMITATIONS IN ABSENCE OF THIRD-PARTY RECORDKEEPER RESPONSE TO SUMMONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance to taxpayers with regard to the changes made to section 7609 by the Tax Reform Act of 1986. Under those changes, statutes of limitations are suspended in certain cases in which a summons is served to a third-party recordkeeper and in which there is no resolution of the third- party recordkeeper's response to the summons.

TREAS—IRS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-521-87

Drafting attorney: Mitchel S. Hyman (202) 566-4620.

Reviewing attorney: Robert A. Miller (202) 566-3362.

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4620

RIN: 1545–AK72

2400. ● EXTENSION OF STATUTE OF LIMITATIONS IN JOHN DOE SUMMONS DISPUTES

Legal Authority: 26 USC 7609 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7609

Legal Deadline: None

Abstract: Under prior law the statute of limitations was suspended under IRC section 7609(e)(2) only where summonses were served on third-party recordkeepers as defined in IRC section 7609(a)(3). Section 7609(e)(2) was amended by the Technical and Miscellaneous Revenue Act of 1988 so that the suspension applies to all John Doe summonses, whether or not the summoned party is a third-party recordkeeper as defined in IRC section 7609(a)(3). The new regulations will make minor changes to 26 CFR 301.7609 to conform with the 1988 Amendments.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-723-88

Drafting attorney: Mitchel Hyman (202) 566-4620.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Mitchel S. Hyman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4620

RIN: 1545–AM67

2401. ● PROCEDURE AND ADMINISTRATION REGULATIONS—REIMBURSEMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7624 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules relating to reimbursement to state and local law enforcement agencies for expenses incurred for information furnished to IRS that substantially contributed to recovery of taxes on illegal drug related activities.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: IA-6-89

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn D. Miller (202) 566-3273.

Procedure and Administration

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4442

RIN: 1545–AN00

2402. COVER OVER OF INCOME TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7654 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations relate to section 7654 of the Internal Revenue Code of 1986 which generally provides that net income tax collections from individuals described in sections 931 or 932(c), plus earned income of federal personnel while bona fide residents of specified possession.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-971-86

Drafting attorney: John J. Brady (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 287-4851.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: John J. Brady, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AL18

2403. CERTAIN PUBLICLY TRADED PARTNERSHIPS TREATED AS CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7704 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide rules relating to the classification of publicly traded partnerships.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-13-88

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Dianna Miosi (202) 566-3621.

Office of Tax Legislative Counsel Reviewing attorney: Barksdale Penick (202) 566-6964.

13 Procedure and Administration

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3822

RIN: 1545–AL57

TREAS—IRS

Proposed Rule Stage

2404. ● THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5h.6

Legal Deadline: None

Abstract: This document contains regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-9-89

Drafting attorney: Grace Matuszeski (202) 343-2382.

Reviewing attorney: John Fischer (202) 566-8131.

Administration and Procedures

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-2382

RIN: 1545–AN03

2405. PROPOSED AMENDMENTS TO THE PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984 RELATING TO THE REDUCTION OF TAX OVERPAYMENTS BY AMOUNTS ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 42 USC 664

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e. tax refund) by the amount of any past due support which a State has agreed to collect under section 454 (6) of the Social Security Act. The regulations explain the steps a State must take to have a tax overpayment reduced by an amount of past-due support.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-85-85.

Drafting attorney: William A. Galanko (202) 566-3862.

Reviewing attorney: David Dickinson (202) 566-6655.

TITLE CONT: of Past-Due Support Owed.

Agency Contact: William A. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3862

RIN: 1545–AH99

DEPARTMENT OF THE TREASURY (TREAS)

Final Rule Stage

Internal Revenue Service (IRS)

2406. ● TREATMENT OF EXEMPT-INTEREST DIVIDENDS AS TAX PREFERENCE ITEM

Legal Authority: 26 USC 57 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 57 (a)(5) of the Internal Revenue Code of 1986 provides that regulations will be promulgated to explain that subsection. These regulations will fulfill that statutory mandate.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-97-88

Drafting Attorney: William A. Galanko (202) 566-3862

Reviewing Attorney: Vincent Cardella (202) 566-4425

Treasury Attorney: Unassigned

Agency Contact: William A. Galanko, Attorney, Assistant to the Branch Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3862

RIN: 1545–AM39

2407. TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Legal Deadline: None

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	50 FR 19383
NPRM Comment Period End	07/08/85	50 FR 19383
Hearing	08/14/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-245-84.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3340

RIN: 1545–AH06

TREAS—IRS **Final Rule Stage**

2408. INCOME TAX--INFORMATION REPORTING FOR MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 25 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to issuers of mortgage credit certificates relating to the information to be collected with respect to each recipient of a mortgage credit certificate. The regulations will also provide guidance regarding the time and manner of filing this information with the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/03/85	50 FR 35572
NPRM Comment Period End	11/04/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-114-85.

Drafting attorney: Harold N. Diamond (202) 566-3340.

Reviewing attorney: Michael J. Montemurro (202) 566-4085.

Treasury attorney Elliot Stern (202) 566-2926.

Agency Contact: Harold N. Diamond, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3340**

RIN: 1545–AI39

2409. LOW-INCOME HOUSING CREDIT ALLOCATION RULES AND INFORMATION REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide low-income housing credit allocation and reporting rules.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23471
NPRM Comment Period End	08/21/87	52 FR 23471
Hearing	11/09/87	
Final Action	04/10/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-83-86

Drafting attorney: Donna Young (202) 566-4537.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Peg Henry (202) 535-6966.

Agency Contact: Donna Young, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-4537**

RIN: 1545–AJ65

2410. CLARIFICATION OF DETERMINATION OF BAD DEBT EXPERIENCE UNDER NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This NPRM cross-references to temporary regulations clarifying the determination of bad debt experience under the nonaccrual-experience method of accounting under IRC section 448(d)(5).

Timetable:

Action	Date	FR Cite
NPRM	04/15/88	53 FR 12534
Hearing	12/01/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: IA-62-87

Drafting attorney: James A. Orefice (202) 566-3637

Reviewing attorney: Cynthia Clark (202) 566-6302

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3637**

RIN: 1545–AK92

2411. LOW-INCOME HOUSING CREDIT FOR FEDERALLY-ASSISTED BUILDINGS ACQUIRED DURING 10-YEAR PERIOD

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for Federally-assisted buildings acquired during a 10-year period.

Timetable:

Action	Date	FR Cite
NPRM	11/03/87	52 FR 42098
NPRM Comment Period End	01/04/88	52 FR 42098
Hearing	03/17/88	
Final Action	04/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-62-87

Drafting attorney: Donna Young (202) 566-4537.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Peg Henry (202) 535-6966.

Agency Contact: Donna Young, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4537**

RIN: 1545–AL05

2412. LOW INCOME HOUSING CREDIT RECAPTURE RULE

Legal Authority: 26 USC 38 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 142(d) Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 267(b) Internal Revenue Code of 1986; 26 USC 1274(d)(1) Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986; 26 USC 6622 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance with respect to the recapture requirements of section 42(j)for the low-income housing credit. In addition, these regulations will clarify the types of housing that will qualify for the credit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	07/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-108-87

Drafting attorney: Christopher J. Wilson (202) 566-4945.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Margaret Henry (202) 535-6966.

Agency Contact: Christopher J. Wilson, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4945

RIN: 1545–AL12

2413. TO CLARIFY THE TERMS "BUILDING" AND "PLACED IN SERVICE" FOR PURPOSES OF SECTION 42

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides definition of the term "building", "placed in service", "eligible basis", etc.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/10/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-43-88

Drafting attorney: Donna Young (202) 566-4537.

Reviewing attorney: James Ranson (202) 566-4944.

Treasury attorney: Peg Henry (202) 535-6966.

13 Income Tax

Agency Contact: Donna Young, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4537

RIN: 1545–AM03

2414. INCOME TAX--CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 41 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	48 FR 2790
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-236-81.

Drafting attorney: David S. Hudson (202) 566-4821.

Reviewing attorney: Emil O. Muhs, Jr. (202) 535-9089.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: David S. Hudson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4821

RIN: 1545–AA07

2415. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986; 26 USC 196 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35438
NPRM Comment Period End	11/20/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-183-82.

Drafting attorney: Patrick T. McGroarty (202) 566-6321.

Reviewing attorney: James Ranson (202) 566-4944.

Agency Contact: Patrick T. McGroarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6321

RIN: 1545–AF06

2416. INCOME TAX--SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 (l) Internal Revenue Code of 1986; PL 96-223, Sec 223 (c)

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	47 FR 03559
Hearing	06/03/82	
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

TREAS—IRS **Final Rule Stage**

Additional Information: PS-176-80.

Drafting attorney: Winston H. Douglas (202) 786-7340.

Reviewing attorney: William J. Dwyer (202) 566-6511.

Energy Credit

Agency Contact: Winston H. Douglas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 786-7340**

RIN: 1545–AA26

2417. NET BOOK INCOME ADJUSTMENT FOR U.S. BRANCHES OF FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules for computing the alternative minimum tax net book income adjustment of a foreign corporation engaged in a trade or business in the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15234
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-55-87

Drafting attorney: Nicholas G. Bogos (202) 566-3862.

Reviewing attorney: Bill Galanko (202) 566-4404.

Treasury attorney: Mark Levy (202) 535-4902.

International Tax Counsel Reviewing attorney: Peter Daub (202) 566-5791.

Agency Contact: Nicholas G. Bogos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3862**

RIN: 1545–AK23

2418. INCOME TAX–INVENTORY ADJUSTMENT FOR THE ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 56 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to inventory adjustment for the alternative minimum tax.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-84-87

Drafting attorney: William Jackson (202) 566-6320.

Reviewing attorney: Vincent A. Cardella (202) 566-4029.

Treasury attorney: Mark Levy (202) 566-4029.

Agency Contact: William Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, **202 566-6320**

RIN: 1545–AL03

2419. TAX BENEFIT RULE FOR CORPORATE ADD-ON MINIMUM TAX UNDER THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 58 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules for taking into account credit carryovers in applying the minimum tax benefit rule for corporations.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-53-87

Drafting attorney: William A. Jackson (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorneys: Ellen Aprill (202) 566-5453 and Robert Scarborough (202) 566-4979.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-6320**

RIN: 1545–AK21

2420. INCOME TAX--TAXATION OF FRINGE BENEFITS AND EXCLUSIONS FROM GROSS INCOME FOR CERTAIN FRINGE BENEFITS

Legal Authority: 26 USC 61 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide guidance on the taxation and valuation of fringe benefits. The regulations will also address the requirements for certain fringe benefit exclusions, including nondiscrimination and line of business restrictions.

Timetable:

Action	Date	FR Cite
Hearing	04/16/85	50 FR 7072
NPRM	12/23/85	50 FR 52333
Interim Final Rule	12/23/85	50 FR 52281
NPRM Comment Period End	02/21/86	50 FR 52333
Hearing	03/03/86	51 FR 2898
Hearing	04/29/86	51 FR 8517
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-63-88

Drafting attorney: Rhonda G. Migdail (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Avenue, NW, Washington, DC 20224, 202 566-4747

RIN: 1545–AH73

2421. 2-PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 67 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the miscellaneous itemized deductions that are subject to the 2-percent floor and provide expense allocation rules for regulated investment companies and REMICs.

Timetable:

Action	Date	FR Cite
NPRM	03/28/88	53 FR 9951
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-97-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorneys: George B. Baker (202) 566-9292, Charles M Whedbee (202) 566-3458, Susan T. Baker (202) 566-3294.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3980

RIN: 1545–AJ49

2422. TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 71 Internal Revenue Code of 1986; 26 USC 215 Internal Revenue Code of 1986; 26 USC 1041 Internal Revenue Code of 1986; 26 USC 152 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to assist taxpayers in determining whether alimony and separate maintenance payments are deductible from income by the payor and includible in income by the payee, whether property transferred between spouses or between spouses incident to divorce has a carryover basis and whether the custodial or noncustodial parent is entitled to the dependency exemption.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34528
NPRM Comment Period End	10/20/84	49 FR 34528
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-153-84.

Drafting attorney: Steve Toomey (202) 566-6320.

Reviewing attorney: Vincent Cardella (202) 566-4425.

Treasury attorney: Don Rocap (202) 566-8278.

Agency Contact: Steve Toomey, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6320

RIN: 1545–AI49

2423. ● UNIFORM PREMIUM TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 79 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The temporary regulations extend the present uniform premium table for employees over 65 years of age.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/30/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: TR-00468-88

Drafting attorney: Betty Clary (202) 566-4465.

Reviewing attorney: James Brokaw (202) 566-3496.

Agency Contact: Betty Clary, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4465

RIN: 1545–AM96

2424. INCOME TAX REGULATIONS--MORTALITY TABLES TO BE USED TO DETERMINE AMOUNT HELD BY INSURER WITH RESPECT TO A BENEFICIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 101 (d)(2)(B)(ii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will prescribe the mortality table to be used to determine the amount held by an insurer with respect to a beneficiary of a life insurance contract.

Timetable:

Action	Date	FR Cite
NPRM	09/21/87	52 FR 35447
Final Action	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-135-86

Drafting attorney: Barry S. Landau (202) 566-3458.

Reviewing attorney: William T. Sullivan (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Barry S. Landau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK14

2425. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 142 (e) of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	49 FR 33283
Hearing	01/30/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-190-78.

Drafting attorney: Hervey H. Kornegay (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: Hervey H. Kornegay, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AA49

2426. INCOME TAX--TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6274
NPRM Comment Period End	04/22/86	51 FR 6274
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-59-74.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

Office of Tax Legislative Counsel reviewing attorney: Elliot Stern (202) 566-2926.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N W. Washington, D C 20224, 202 566-4545

RIN: 1545–AA56

2427. INCOME TAX--MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules which interpret the provisions of section 103(a), relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences.

Timetable:

Action	Date	FR Cite
NPRM - Previous	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	46 FR 55513
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-10-81.

Drafting attorney: Suzanne Reynolds (202) 566-4310.

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Suzanne Reynolds, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4310

RIN: 1545–AA63

2428. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 (a) Internal Revenue Code of 1986; 26 USC 163 (f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction, loss of capital gains treatment, loss of an earnings and profits adjustment, and loss of tax-exempt interest status.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period End	01/14/83	47 FR 51414
Hearing	01/25/83	47 FR 51414
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-255-82.

Drafting attorney: Dianne O. Umberger (202) 566-4336.

Reviewing attorney: David Brandon (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

13 Income Tax

Agency Contact: Dianne O. Umberger, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AE18

2429. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)--RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	48 FR 21166
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-221-82.

Drafting attorney: Eric E. Boody (202) 566-4336.

Reviewing attorney: Alice M. Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AE24

2430. REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 144 (a) (10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial development bonds allocated to itself, including its allocated portion of the small issue in question. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	02/21/86	51 FR 6270
NPRM Comment Period End	04/22/86	51 FR 6270
Hearing	06/04/86	51 FR 6273

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-157-84.

Drafting attorney: Dave White (202) 566-4545.

Reviewing attorney: Mike Montemurro (202) 566-4545.

Office of Tax Legislative Counsel reviewing attorney: Elliott Stern(202) 566-2926.

Agency Contact: David E. White, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4545

RIN: 1545–AH19

2431. TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.103-8

Legal Deadline: None

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/85	50 FR 46303
NPRM Comment Period End	01/06/86	
Hearing	02/10/86	51 FR 1392

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-269-84.

Drafting attorney: L. Michael Wachtel (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2566.

Agency Contact: L. Michael Wachtel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AH68

2432. ● PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 116 Internal Revenue Code of 1986 PL 96-223, Sec 404

CFR Citation: 26 CFR 116

Legal Deadline: None

Abstract: This regulations project is necessary to conform the regulations relating to section 116 of the Internal Revenue Code of 1986 to amendments to section 404 made by the Crude Oil Windfall Profit Tax Act of 1980, P.L. 96-223. This regulation will provide guidance to individuals who administer section 116 and taxpayers who are subject to and must comply with these sections of the code. Section 116 relates to the partial exclusion of dividends and interest received by individuals.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-80

Drafting attorney: Donald W. Kanuk (202) 566-3862.

Reviewing attorney: Unassigned.

Income Tax

Agency Contact: Donald W. Kanuk, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3862

RIN: 1545–AM73

2433. EXCLUSION OF QUALIFIED SCHOLARSHIPS AND FELLOWSHIPS FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6041 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide rules relating to the exclusion of certain amounts received as a qualified scholarship. Regulations will also provide rules relating to withholding from certain payments and return of information requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/09/88	53 FR 21688
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-3-87

Drafting attorney: Michael Schmit (202) 566-3826.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorney: Kathleen Ferrell (202) 566-2599.

Agency Contact: Michael Schmit, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution, N.W., Washington, DC 20224, 202 566-3826

RIN: 1545–AJ87

2434. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 125 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits which include statutory nontaxable benefits and cash.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period End	01/30/85	
Hearing	03/11/85	
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3251

RIN: 1545–AD63

2435. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 126 Internal Revenue Code of 1986; 26 USC 1255 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	46 FR 27723
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-222-78.

Drafting attorney: Brenda M. Stewart (202) 566-4919.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Agency Contact: Brenda M. Stewart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4919

RIN: 1545–AA73

2436. INCOME TAX--PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 131 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	50 FR 4702
Hearing	06/25/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-83.

Drafting attorney: Victoria J. Driscoll (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Agency Contact: Victoria J. Driscoll, Attorney, Department of the Treasury, Internal Revenue Service, 1111

TREAS—IRS

Final Rule Stage

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AF52

2437. INCOME TAX--PRIZES AND AWARDS

Legal Authority: 26 USC 74 Internal Revenue Code of 1986; 26 USC 132 Internal Revenue Code of 1986; 26 USC 170 Internal Revenue Code of 1986; 26 USC 274 Internal Revenue Code of 1986; 26 USC 6041 Internal Revenue Code of 1986; 26 USC 102 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will incorporate changes with respect to the tax treatment of prizes and awards and certain employee achievement awards. They will provide guidance so that effective designations and transfers of awards may be accomplished as well as rules with respect to allowance of exclusions and deductions for awards given in an employment context.

Timetable:

Action	Date	FR Cite
NPRM	01/09/89	54 FR 627
NPRM Comment Period End	03/10/89	54 FR 627
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-111-86.

Drafting attorney: Johnnel St. Germain (202) 566-4509.

Reviewing attorney: Karin Gross (202) 566-2175.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Johnnel St. Germain, Law Clerk, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4509

RIN: 1545–AJ19

2438. ARBITRAGE RESTRICTIONS ON TAX-EXEMPT BONDS; REBATE REQUIREMENT

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 148 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the arbitrage rebate requirements for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: FI-90-86

Drafting attorney: Elliot Stern (202) 566-2926

Reviewing attorney: Michael Montemurro (202) 566-4085.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: George Delduke, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3347

RIN: 1545–AJ81

2439. INFORMATION REPORTING FOR TAX-EXEMPT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 149 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide information reporting rules for tax-exempt bonds.

Timetable:

Action	Date	FR Cite
NPRM	03/11/87	52 FR 7408
NPRM Comment Period End	05/11/87	52 FR 7408
Hearing	06/26/87	
Final Action	04/15/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: FI-146-86

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-4336

RIN: 1545–AJ63

2440. CONTINUATION COVERAGE REQUIREMENTS OF GROUP HEALTH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 106 (b) Internal Revenue Code of 1986; 26 USC 162 (i) (2) Internal Revenue Code of 1986; 26 USC 162 (k) Internal Revenue Code of 1986; 26 USC 4980B Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: These regulations will provide guidance relating to the requirement that a group health plan provide continuation coverage to individuals who would otherwise lose coverage as a result of certain events.

Timetable:

Action	Date	FR Cite
NPRM	06/15/87	52 FR 22716
NPRM Comment Period End	08/14/87	52 FR 22716
Hearing	11/04/87	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-143-86

Drafting attorney: Mark Schwimmer (202) 566-3155.

Review attorney: Colene Mason (202) 566-4741.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Agency Contact: Mark Schwimmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3155

RIN: 1545–AI93

2441. INCOME TAX REGULATIONS--LIMITATIONS ON DEDUCTIONS FOR NONBUSINESS INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

TREAS—IRS **Final Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the disallowance of a deduction for personal interest, including guidance regarding the definitions of qualified residence, qualified residence interest and qualified indebtedness.

Timetable:

Action	Date	FR Cite
NPRM	12/22/87	52 FR 48452
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-137-86

Drafting attorney: Sharon L. Hall (202) 566-4811.

Reviewing attorney: John Fischer (202) 566-8131.

Treasury attorney: Reed Shuldiner (202) 566-2175.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4811**

RIN: 1545–AK17

2442. REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules regarding deductibility of interest on pass-through certificates when certificates are held by nominees.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17960
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: INTL-905-87

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM22

2443. REGISTRATION REQUIREMENTS WITH RESPECT TO CERTAIN DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 163 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Publication of section 1.163-5T inadvertently deleted 12/19/86, dealing with deductibility of interest on pass-through certificates.

Timetable:

Action	Date	FR Cite
NPRM	05/19/88	53 FR 17959
Final Action	06/30/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-990-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM23

2444. INCOME TAX REGULATIONS--TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 165 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 and section 1808 (d) of the Tax Reform Act of 1986, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	49 FR 33458
Hearing	11/29/84	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-147-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AG57

2445. ● NORMALIZATION REQUIREMENTS FOR PUBLIC UTILITY PROPERTY: INCONSISTENT PROCEDURES AND ADJUSTMENTS

Legal Authority: 26 USC 168 (i)(9)(B)(iii) Internal Revenue Code of 1986

CFR Citation: 26 CFR 167; 26 CFR 168

Legal Deadline: None

Abstract: Regulation to prescribe utility ratemaking procedures and adjustments that are to be treated as inconsistent with the normalization rules under 26 USC 167 and 168. Regulation will make clear: (1) that term "tax expense" in 26 USC 168 (i)(9)(A) and (B) means total tax expense, including both current and preferred taxes, and (2) that reducing utility's Federal income tax expense for ratemaking purposes, either directly or indirectly, to reflect tax losses of non-regulated affiliated companies is inconsistent under 26 USC 168 (i)(9)(B) with normalization requirements of 26 USC 168 (i)(9)(A).

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-107-88

Drafting attorney: Martin Schaffer (202) 566-6589.

Reviewing attorney: Noel Sheehan (202) 566-4819.

Treasury attorney: Undetermined.

Income Taxes

Agency Contact: Martin Schaffer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6589

RIN: 1545–AM60

2446. INCOME TAX--ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986; 26 USC 179 Internal Revenue Code of 1986; 26 USC 1245 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1250 Internal Revenue Code of 1986; 26 USC 57 (a) (12) Internal Revenue Code of 1986; 26 USC 312 (k) Internal Revenue Code of 1986; 26 USC 172 (b) Internal Revenue Code of 1986; 26 USC 812 (b) Internal Revenue Code of 1986; 26 USC 46 (b) Internal Revenue Code of 1986; 26 USC 53 (c) Internal Revenue Code of 1986; 26 USC 381 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the new accelerated cost recovery scheme. This new cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	49 FR 5940
Hearing held	05/21/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-185-81.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: William Dwyer (202) 566-6511.

Treasury attorney: Barksdale Penick (202) 566-5453.

Accelerated Cost Recovery System.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AA87

2447. TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 168 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules concerning tax-exempt entity leasing and service contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/02/85	50 FR 27297
NPRM Comment Period End	09/03/85	50 FR 27297
Hearing	11/25/85	
Final Action	06/01/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: IA-31-85.

Drafting attorney: Edward C. Schwartz (202) 566-3861.

Reviewing attorney: William Galanko (202) 566-3862.

Treasury attorney: Adam Handler (202) 535-6964.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AH76

2448. DEDUCTIONS IN EXCESS OF $5000 CLAIMED BY A SUBCHAPTER C CORPORATION FOR CHARITABLE CONTRIBUTIONS OF CERTAIN PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 170 (a) (1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide substantiation requirements with which subchapter C corporations must comply in order to take deductions for charitable contributions of certain property.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16156
Hearing	09/23/88	
Final Action	09/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-83-87

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: A.L. Spitzer (202) 566-5911.

13 Income Tax

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3980

RIN: 1545–AL09

2449. PROVISIONS RELATING TO COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 216 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules for determining a tenant-stockholder's proportionate share of taxes or interest in the case where the

cooperative housing corporation has made the election provided in section 216 (b) (3) (B) of the Code. These regulations also provide rules for determining whether a deduction claimed by a tenant-stockholder should be disallowed as more proper allocable to the corporation's capital account.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19312
Final Action	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-102-86.

Drafting attorney: David L. Click (202) 566-4821.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Agency Contact: David L. Click, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4821

RIN: 1545–AJ96

2450. INDIVIDUAL RETIREMENT PLANS AND SIMPLIFIED EMPLOYEE PENSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 62 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 220 Internal Revenue Code of 1986; 26 USC 404 (h) Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 2503 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3306 Internal Revenue Code of 1986; 26 USC 4973 Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986; 26 USC 6693 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Legal Deadline: None

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	46 FR 36198
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8278.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AD59

2451. INDIVIDUAL RETIREMENT PLANS, SIMPLIFIED EMPLOYEE PENSIONS, AND QUALIFIED VOLUNTARY EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 219 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; 26 USC 409 Internal Revenue Code of 1986; 26 USC 415 Internal Revenue Code of 1986; 26 USC 2039 Internal Revenue Code of 1986; 26 USC 2517 Internal Revenue Code of 1986; 26 USC 6652 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Legal Deadline: None

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	49 FR 2794
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AD66

2452. CAPITALIZATION AND INCLUSION IN INVENTORY COSTS OF CERTAIN EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the costs incurred in the production and acquisition of property for resale in a trade or business or activity conducted for profit.

Timetable:

Action	Date	FR Cite
NPRM	03/30/87	52 FR 10118
NPRM Comment Period End	05/29/87	
Hearing	12/07/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-168-86.

Drafting attorney: Paulette C. Galanko (202) 566-3731.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AK05

2453. TEMPORARY REGULATION--CAPITALIZATION OF INTEREST EXPENSE RELATING TO PRODUCTION OF PROPERTY

Significance: Regulatory Program

Legal Authority: 26 USC 263A(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance concerning the capitalization of certain interest expenses and the allocation of interest to property subject to the capitalization rules.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-120-86.

Drafting attorney: Carol Conjura (202) 566-3024.

Reviewing attorney: John Fischer (202) 566-8131.

Treasury attorney: Adam Handler (202) 535-6964.

Agency Contact: Carol Conjura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3024**

RIN: 1545–AK03

2454. REGULATIONS UNDER SECTION 267 OF THE CODE TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 267 Internal Revenue Code of 1986; 26 USC 706 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	49 FR 47048
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-183-84.

Drafting attorney: Gerald A. Consalvi (202) 566-3886.

Reviewing attorney: George Baker (202) 566-9292.

Agency Contact: Gerald A. Consalvi, Attorneys Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3886**

RIN: 1545–AG11

2455. INCOME TAX--PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 269A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	48 FR 13438
Hearing	07/19/83	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: CO-188-82.

Drafting attorney: Paul Horrell (202) 566-2457.

Reviewing attorney: Nelson Crouch (202) 566-3651.

Agency Contact: Paul Horrell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-2457**

RIN: 1545–AF11

2456. INCOME TAX--SUBSTANTIATION REQUIREMENTS WITH RESPECT TO LISTED PROPERTY AND SUBSTANTIATION REQUIREMENTS RELATING TO THE TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will set forth the requirements to substantiate any deduction or credit for certain business-related expenses with adequate records or sufficient evidence corroborating a taxpayer's own statement.

Timetable:

Action	Date	FR Cite
NPRM	11/06/85	50 FR 46006
NPRM Comment Period End	01/06/86	50 FR 46006
Hearing	03/04/86	51 FR 02898
Final Action	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-140-86.

Drafting attorney: Joel Rutstein (202) 566-4509.

Reviewing attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-4509**

RIN: 1545–AJ40

2457. INCOME TAX--DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS

Final Rule Stage

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	08/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-261-76.

Drafting attorney: Joel S. Rutstein (202) 566-4509.

Reviewing attorney: Michael Finley (202) 566-4430.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4509

RIN: 1545–AB09

2458. LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property."

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	49 FR 42743
Second Hearing	03/04/86	51 FR 2898
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-145-84.

Drafting attorney: John E. Moffat (202) 566-6682.

Reviewing attorney: William J. Dwyer (202) 566-6511.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: John E. Moffat, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6682

RIN: 1545–AG99

2459. AFFILIATED GROUPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 304 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides proper adjustments to stock bases and earnings and profits of members of an affiliated group in section 304 (a) transfers of intragroup stock.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-2-88

Drafting attorney: Paul Horrell (202) 566-2457.

Reviewing attorney: Virginia Voorhees (202) 566-2454.

13 Income Taxes

Agency Contact: Paul Horrell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2457

RIN: 1545–AL41

2460. INCOME TAX–PART 1 TEMPORARY REGULATIONS-RECOGNITION OF GAIN OR LOSS LIQUIDATING SALES AND DISTRIBUTIONS OF PROPERTY (TRA 1986, SECTIONS 631 TO 633)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 336 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide rules for the recognition of gain or loss on a corporation's liquidation sales or distributions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-117-86.

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AJ01

2461. CERTAIN STOCK SALES AND DISTRIBUTIONS TREATED AS ASSET TRANSFERS

Legal Authority: 26 USC 336 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance for making an election under section 336 (e) and the consequences which result from making such an election

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-51-87

Drafting attorney: Jean M. Whalen (202) 566-6212.

Reviewing attorney: Peter G. Lynard (202) 566-6358.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Jean M. Whalen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545–AK30

2462. APPLICATION OF GENERAL UTILITIES REPEAL REGULATORY AUTHORITY TO CERTAIN DISTRIBUTIONS UNDER SECTION 355

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations are intended to cause the recognition of net gain by the distributing corporation ("parent") upon the distribution of the stock and securities of a controlled corporation ("subsidiary") in a transaction to which section 355 applies when the distribution is part of a transaction that is made with a gain avoidance purpose and within two years of the distribution a person acquires control of the parent or the subsidiary.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-78-88

Drafting attorney: Robert Casey (202) 566-3551.

Reviewing attorney: Barry Isaacs (202) 566-3544.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income tax

Agency Contact: Robert Casey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AM34

2463. DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	07/01/86	51 FR 23790
NPRM Comment Period End	09/02/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-191-82.

Drafting attorney: Christopher F. Kane (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-3458.

Agency Contact: Christopher F. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AF29

2464. INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period End	11/05/84	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-26-83.

Drafting attorney: Christopher F. Kane (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Thomas F. Wessel (202) 566-2927.

Agency Contact: Christopher F. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AF38

2465. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	01/08/86	51 FR 763
NPRM Comment Period End	03/10/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-218-83.

Drafting attorney: Christopher L. Kane (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

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Office of Tax Legislative Counsel reviewing attorney: Thomas Wessel (202) 566-2927.

Agency Contact: Christopher F. Kane, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AF93

2466. QUESTIONS AND ANSWERS RELATING TO DOMESTIC MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE OF 1954 - CROSS REFERENCE TO THE TEMPORARY REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance on a broad range of issues under section 338.

Timetable:

Action	Date	FR Cite
NPRM	06/24/85	50 FR 16430

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-33-85.

Drafting attorney: Christopher F. Kane (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Thomas F. Wessel (202) 566-4979.

Agency Contact: Christopher F. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AH88

2467. STATEMENTS OF ELECTION AND DUE DATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance to taxpayers who make express elections under section 338 pursuant to the extended July 15, 1986, filing deadline where the statute of limitations in the target's taxable year which includes the acquisition date has expired prior to July 15, 1986, or will expire shortly thereafter.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17989
NPRM Comment Period End	07/15/86	51 FR 17989

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-8-86.

Drafting attorney: Christopher F. Kane (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Christopher F. Kane, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AI53

2468. MANDATORY APPLICATION OF MADSP FORMULA FOR DETERMINATION OF DEEMED SALE PRICE FOR OLD TARGET'S ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will require the use of the MADSP formula in a qualified stock purchase to which section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-76-86

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Jud Kelly (202) 566-2175.

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AJ07

2469. TREATMENT OF AN AFFILIATED GROUP OF CORPORATIONS AS A SELLING CONSOLIDATED GROUP FOR PURPOSES OF ELECTIVE RECOGNITION UNDER SECTION 338 (H) (10)

Legal Authority: 26 USC 338 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the guidance for making elections under section 338 (h) (10) when the selling group is an affiliated group of corporations which does not file a consolidated federal income tax return, and the consequences of making such an election.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/09/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-49-87

Drafting attorney: Matthew B. Krasner (202) 566-3430.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Judge Kelley (202) 566-2175.

Agency Contact: Matthew B. Krasner, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545–AK32

2470. ● APPLICATION OF INSTALLMENT METHOD TO DEEMED SALE OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.338(h)(10)

Legal Deadline: None

Abstract: The regulations will provide guidance for utilization of the installment method of reporting in a qualified stock purchase to which section 338(h)(10) applies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-88-88

Drafting attorney: Keith G. Medleau (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Treasury attorney: Jud Kelley (202) 566-2175.

Income Taxes

Agency Contact: Keith G. Medleau, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AM84

2471. INCOME TAX--TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112
NPRM Comment Period End	03/03/81	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-993-71.

Drafting attorney: Christopher F. Kane (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Wessel 202) 566-5453.

Agency Contact: Christopher F. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AB21

2472. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognition provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the active conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	05/16/86	51 FR 17990
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-610-86

Drafting attorney: Elizabeth U. Karzon (202) 566-3160.

Reviewing attorney: Charles Saverude (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-3992.

13 Income taxes.

Agency Contact: Elizabeth U. Karzon, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3160

RIN: 1545–AK74

2473. INCOME TAX--PART 1--TEMPORARY-WHETHER EARNINGS AND PROFITS SHOULD BE ALLOCATED TO AN ACQUIRING CFC FROM AN ACQUIRED CFC FOLLOWING A NON-RECOGNITION TRANSACTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Should earnings and profits be allocated to an acquiring CFC from an acquired CFC following a transaction which qualified for non-recognition treatment.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-76-86.

Drafting attorney: Richard Chewning (202) 566-6384.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-6384

RIN: 1545–AI32

2474. FOREIGN LIQUIDATIONS AND REORGANIZATIONS (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 367(b)(2) Internal Revenue Code of 1986

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CFR Citation: 26 CFR 7

Legal Deadline: None

Abstract: Temporary regulations would provide guidance concerning requirements relating to certain exchanges involving a foreign corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-991-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Bernard Bress (202) 566-6440.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AJ76

2475. INCOME TAX--TEMPORARY REGULATIONS--REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 381 Internal Revenue Code of 1986; 26 USC 597 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5c

Legal Deadline: None

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-230-81.

Drafting attorney: Mark Schneider (202) 566-3544.

Reviewing attorney: Glenn R. Carrington (202) 566-3430.

Agency Contact: Mark A. Schneider, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3544

RIN: 1545–AB28

2476. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 368 (a) (2) (F) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	46 FR 1744

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-135-76.

Drafting attorney: Christopher L. Kane (202) 566-3551.

Reviewing attorney: Barry L. Isaacs (202) 566-3554.

Agency Contact: Christopher F. Kane, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3551

RIN: 1545–AB31

2477. INCOME TAX--OWNERSHIP CHANGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance on what constitutes "ownership change" under section 382 of the Internal Revenue Code of 1986 (generally, an "ownership change" is a shift in loss corporation stock ownership (after which the corporation's net operating loss carryovers are limited)).

Timetable:

Action	Date	FR Cite
NPRM	08/11/87	52 FR 29704
NPRM Comment Period End	10/13/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-106-86.

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3367

RIN: 1545–AJ00

2478. COMPUTATION OF SECTION 382 LIMITATION

Legal Authority: 26 USC 382 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would explain the manner and method of computing the section 382 limitation under circumstances when there are successive ownership changes, capital contributions, mergers liquidations, and in instances when one corporation controls another corporation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

TREAS—IRS **Final Rule Stage**

Additional Information:

CO-66-87.

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3367

RIN: 1545–AK87

2479. SECTION 382 LIMITATION ON GROUPS FILING CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation provides rules for computation of the section 382 limitation by groups filing consolidated returns.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-132-87

Drafting attorney: David P. Madden (202) 566-3205.

Reviewing attorney: James Dahlberg (202) 566-3255.

Treasury attorney: Thomas Wessel (202) 566-2927.

Income Taxes

Agency Contact: David Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3205

RIN: 1545–AL36

2480. ALLOCATION OF A LOSS CORPORATION'S INCOME OR LOSS FOR THE TAXABLE YEAR THAT INCLUDES THE CHANGE DATE BETWEEN THE PERIODS ENDING WITH AND AFTER THE CHANGE DATE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 362 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Except as provided in regulations, sections 382 (b) (3) (A) and (d) (1) of the Internal Revenue Code of 1986 provide for a ratable allocation of income or net operating loss, respectively, for the taxable year that includes the change date. Notice 87-79, 1987-2 C.B. 387, states that regulations will, in certain cases, provide taxpayers with an election to allocate income and loss between the periods ending with and after the change date on the basis of a closing of their books as of the change date (rather than on the basis of a ratable allocation). The notice also states that the regulations, in appropriate circumstances, will permit income that is realized after the date, but is properly attributable to the period ending with the change date, to be allocated to the pre-change period. The purpose of this regulation project is to provide guidance in the areas suggested by the notice and in related areas.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-49-88

Drafting attorney: Richard W. Stern (202) 566-3618.

Reviewing attorney: James Dahlberg (202) 566-3255.

Treasury attorney: Thomas Wessel (202) 566-2927.

13 Income Tax

Agency Contact: Richard W. Stern, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3618

RIN: 1545–AL58

2481. SPECIAL LIMITATIONS ON CERTAIN CREDIT AND LOSS CARRYOVERS

Legal Authority: 26 USC 383 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would specify the manner and method on applying the special limitations on certain credit and loss carryovers under section 383.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-68-87

Drafting attorney: Lori Jones (202) 566-3205.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Thomas Wessel (202) 566-4979.

Agency Contact: Lori Jones, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3205

RIN: 1545–AK28

2482. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (a) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	48 FR 10374
Final Action	07/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

TREAS—IRS **Final Rule Stage**

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AD68

2483. INCOME TAX–REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408 (a) (6) Internal Revenue Code of 1986; 26 USC 401 (a) (9) Internal Revenue Code of 1986; 26 USC 408 (b) (3) Internal Revenue Code of 1986; 26 USC 408 (d) (3) (C) Internal Revenue Code of 1986; 26 USC 219 (d) (4) Internal Revenue Code of 1986; 26 USC 403 (b) (10) Internal Revenue Code of 1986; 26 USC 4974 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984, and Income Tax Reform Act of 1986 concerning the required distributions from qualified plans, individual retirement accounts and 403(b) annuities and custodial accounts.

Timetable:

Action	Date	FR Cite
NPRM	07/27/87	52 FR 28070
HEARING	12/04/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Jerry Holmes/R. Wickersham (202) 566-4747.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AE95

2484. CASH OR DEFERRED ARRANGEMENTS (TAX REFORM ACT OF 1986)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (k) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to cash or deferred arrangements brought about because of the amendment of section 401 (k) by the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-158-86

Drafting attorney: Catherine L. Fernandez (202) 566-3060

Reviewing attorney: Mary E. Oppenheimer (202) 566-6628.

Treasury attorney: Paul Strella (202) 566-2784.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AI79

2485. INCOME TAX -- PART 1-- APPLICATION OF NONDISCRIMINATION RULES TO INTEGRATED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (l) Internal Revenue Code of 1986; 26 USC 401 (a) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: NPRM, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to the application of the nondiscrimination rules to integrated plans.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45917
NPRM Comment Period End	01/17/89	53 FR 45917
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-159-86

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Paul Strella (202) 566-8277.

Agency Contact: Patricia McDermott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AI86

2486. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER MATCHING CONTRIBUTIONS AND EMPLOYEE CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 401 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: NPRM, Statutory, January 31, 1988.

Abstract: These regulations will provide rules relating to nondiscrimination requirements for employer matching contributions and employee contributions. The regulations will also provide rules on computing the excise tax on excess contributions made under a cash or deferred arrangement and on excess aggregate contributions.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29719
NPRM Comment Period End	10/07/88	53 FR 29719
Final Action	06/30/90	

TREAS—IRS

Final Rule Stage

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-160-86

Drafting attorney: Catherine L. Fernandez (202) 566-3060.

Reviewing attorney: Mary E. Oppenheimer (202) 566-6628.

Treasury attorney: Paul Strella (202) 566-2784.

Agency Contact: Catherine L. Fernandez, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AI80

2487. INCOME TAX--DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 404A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	04/08/85	50 FR 13821
NPRM Comment Period End	06/07/85	50 FR 13821
Hearing	09/20/85	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-81.

Drafting attorney: Nerman D. Hubbard (202) 566-3251.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Agency Contact: Nerman D. Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3251

RIN: 1545–AD81

2488. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 408 Internal Revenue Code of 1986; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	49 FR 45450
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-65-83.

Drafting attorney: William Gibbs (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine (202) 566-3060.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AF83

2489. INC. TAX -- PART 1 -- BENEFIT ACCRUAL BEYOND NORMAL RETIREMENT AGE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411 (b) (1) (H) Internal Revenue Code of 1986; 26 USC 411 (b) (2) Internal Revenue Code of 1986; 26 USC 410 (a) (2) Internal Revenue Code of 1986; 26 USC 411 (a) (8) (B) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Final regulations are required to be issued by February 1, 1988.

Abstract: The regulations would provide rules with regard to benefit accruals after attainment of normal retirement age and maximum age conditions on participating in certain type of plans.

Timetable:

Action	Date	FR Cite
NPRM	04/11/88	53 FR 11876
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-184-86

Drafting attorney: Stephen H. Sherman (202) 566-3251.

Reviewing attorney: Michael Garvey (202) 566-3251.

Treasury attorney: Paul Strella (202) 566-8277

Agency Contact: Stephen H. Sherman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3251

RIN: 1545–AI85

2490. INCOME TAX - PART 1 - MINIMUM VESTING STANDARDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 410 Internal Revenue Code of 1986; PL 99-514, Sec 1113 Tax Reform Act of 1986; PL 99-514, Sec 1141 Tax Reform Act of 1986; 26 USC 411 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Final, Statutory, February 1, 1988.
Deadline set by Section 1141 of PL 99-514 "Tax Reform Act of 1986"

TREAS—IRS **Final Rule Stage**

Abstract: These regulations will amend existing rules to reflect changes made by section 1113 of the Tax Reform Act of 1986, relating to minimum vesting standards and participation standards.

Timetable:

Action	Date	FR Cite
NPRM	01/06/88	53 FR 261
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-167-86

Drafting attorney: V.A. Moore (202) 566-4503.

Reviewing attorney: James Brokaw (202) 566-3496.

Treasury attorney: Harry Conaway (202) 566-8277.

Cross-Reference to EE-73-87

Agency Contact: V. A. Moore, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4503

RIN: 1545–AI88

2491. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 412 Internal Revenue Code of 1986; 26 USC 413 (b) Internal Revenue Code of 1986; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Legal Deadline: None

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	47 FR 54093
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-99-78.

Drafting attorney: Steven T. Miller (202) 566-4503.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Steven T. Miller, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4503

RIN: 1545–AD84

2492. INCOME TAX--EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (m) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period End	04/29/83	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-81.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Patricia McDermott/Rhonda Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AD90

2493. INCOME TAX REGULATIONS--AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 414 (n) Internal Revenue Code of 1986; 26 USC 414 (m) (5) Internal Revenue Code of 1986; 26 USC 414 (o) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32502
NPRM Comment Period End	10/26/87	
Hearing	12/02/87	52 FR 45835
Hearing	02/25/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-111-82.

Drafting attorney: Patricia McDermott (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: Patricia McDermott/Rhonda Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AE91

2494. DEFINITION OF "HIGHLY COMPENSATED EMPLOYEE" AND "COMPENSATION"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1114 Tax Reform Act of 1986; PL 99-514, Sec 1115 Tax Reform Act of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide rules relating to the definitions of "highly compensation contained in subsections 414(q) and (s) of The Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	02/19/88	53 FR 4999
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-129-86

Drafting attorney: Nancy J. Marks (202) 343-6954.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Legislative Counsel (Treasury reviewing attorneys: Harry S. Conaway (202) 566-8277.

Cross Reference to EE-74-87

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-6954**

RIN: 1545–AI91

2495. TAXABLE YEARS OF CERTAIN ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 441 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to S corporations, personal service corporations and partnerships, that must conform their taxable years, in general, to the taxable year of their owners.

Timetable:

Action	Date	FR Cite
NPRM	12/23/87	52 FR 48546
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-45-87

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AK63

2496. ELECTION OF TAXABLE YEAR OTHER THAN REQUIRED YEAR BY PARTNERSHIPS, S CORPORATIONS AND PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 444 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides guidance with respect to elections of taxable years other than the required taxable year by partnerships, S corporations and personal service corporations.

Timetable:

Action	Date	FR Cite
NPRM	05/27/88	53 FR 19715
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-53-88

Drafting attorney: Arthur Davis (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

13 Income taxes

Agency Contact: Arthur Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AL68

2497. LIMITATION OF THE USE OF THE CASH METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain C Corporations, partnerships with a corporate partner and tax shelters prohibited from using the cash method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	06/16/87	52 FR 22796
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-122-86.

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 566-3637**

RIN: 1545–AJ52

2498. NONACCRUAL-EXPERIENCE METHOD OF ACCOUNTING—CLARIFICATION OF AMOUNTS DETERMINED TO BE UNCOLLECTIBLE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 448 (d) (5) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation project will clarify amounts determined to be uncollectible with respect to the nonaccrual-experience method of accounting under section 448 (d) (5).

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-79-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Thomas Evans (202) 566-8277.

13 Income Tax

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3637**

RIN: 1545–AM33

TREAS—IRS

Final Rule Stage

2499. ACCOUNTING FOR LONG-TERM CONTRACTS; CORPORATIONS FILING CONSOLIDATED RETURNS WITH A CONTRACTOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules for the manufacturer of components and subassemblies reasonably expected to be incorporated in the subject matter of an extended period long-term contract in the case of members of a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	01/06/86	51 FR 3
NPRM Comment Period End	03/07/86	51 FR 3
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-121-85.

Drafting attorney: Paulette C. Galanko (202) 566-3731.

Reviewing attorney: John M. Fischer (202) 566-8131.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Evans (202) 566-4902.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AI19

2500. INCOME TAX--GENERAL RULES FOR INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period End	04/06/81	46 FR 10749
Hearing	10/01/81	46 FR 40774
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-173-80.

Drafting attorney: Chris Rogers (202) 377-9583.

Reviewing attorney: George Wright (202) 566-9587.

Treasury attorney: Marc Levy (202) 566-4902.

Agency Contact: Chris Rogers, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9583

RIN: 1545–AB42

2501. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	49 FR 1742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-184-80.

Drafting attorney: Paulette C. Galanko (202) 566-3731.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AB43

2502. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-186-80.

Drafting attorney: Paulette C. Galanko (202) 566-3731.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AB44

2503. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26909
NPRM Comment Period End	09/29/86	
Final Action	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-146-81.

Drafting attorney: James A. Orefice (202) 566-3637.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AB47

2504. TRANSITIONAL RULE RELATING TO CERTAIN INSTALLMENT SALES BY MANUFACTURERS TO DEALERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide guidance with respect to an exception from the general rules applicable to installment sales.

Timetable:

Action	Date	FR Cite
NPRM	07/12/88	53 FR 26279
NPRM Comment Period End	09/12/88	53 FR 26279
Final Action	07/20/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-51-88

Drafting attorney: Phyllis Haney (202) 566-4440.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Taxes

Agency Contact: Phyllis Haney, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4440

RIN: 1545–AL55

2505. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
NPRM	07/28/86	51 FR 26903
NPRM Comment Period End	09/26/86	51 FR 26903
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-141-83.

Drafting attorney: James A. Orefice (202) 566-3637.

Office of Tax Legislative Counsel reviewing attorney: Ellen Aprill (202) 566-5453.

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3637

RIN: 1545–AF71

2506. CERTAIN INDEBTEDNESS TREATED AS PAYMENTS ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805S Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules for treating certain indebtedness as payment on installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34778
NPRM Comment Period End	11/07/88	53 FR 34778
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-82-88

Drafting attorney: Phyllis Haney (202) 566-4440.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Marc Levy (202) 566-4902.

13 Income Tax

Agency Contact: Phyllis Haney, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4440

RIN: 1545–AM37

2507. INCOME TAX--EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 458 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-195-78.

Drafting attorney: Edward C. Schwartz (202) 566-3861.

Agency Contact: Edward C. Schwartz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3861

RIN: 1545–AB48

2508. TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 461 (h) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-257-84.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AH33

2509. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 464 Internal Revenue Code of 1986; 26 USC 278 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyards to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	48 FR 51936
Hearing	03/08/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-144-76.

Drafting attorney: Unassigned.

Reviewing attorney: Cynthia C. Clark (202) 566-6302.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Evans (202) 566-8277.

Agency Contact: Cynthia Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6302

RIN: 1545–AB51

2510. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986; PL 94-455, Sec 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	44 FR 32235
Hearing	09/27/79	44 FR 49701
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-168-76.

Drafting attorney: Charles Alton (202) 566-6415.

Reviewing attorney: William P. O'Shea (202) 566-3244.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Charles Alton, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6415

RIN: 1545–AB52

2511. AGGREGATION OF CERTAIN ACTIVITIES FOR PURPOSES OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 465 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This temporary regulation will provide rules for aggregating certain activities for purposes of applying the at-risk rules under section 465. In general, the at-risk rules limit the amount of loss deductible in a taxable year with respect to an activity to the amount the taxpayer is at risk in the activity.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-155-85.

Drafting attorney: Jeffrey C. Golden (202) 566-6016.

Reviewing attorney: Frances D. Schafer (202) 566-3629.

Treasury attorney: John H. Parcell (202) 535-6965.

Agency Contact: Jeffrey C. Golden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6016

RIN: 1545–AI41

2512. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None
As an alternative to a no-rule position on this issue, the Service could publish a revenue procedure that contains the terms and conditions of a plan that must be.

Abstract: The proposed regulations address essential issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	53 FR 5733
Hearing	06/28/88	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-14-88

Drafting attorney: Robert Stoddart (202) 566-4543.

Reviewing attorney: Michael Grace (202) 566-4543.

Treasury attorney: John H. Parcell(202) 535-6965.

13 Income Tax

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4543

RIN: 1545–AB26

2513. ● LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS - MISCELLANEOUS ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-6T; 26 CFR 1.469-7T; 26 CFR 1.469-8T; 26 CFR 1.469-9T; 26 CFR 1.469-10T

Legal Deadline: None

Abstract: The proposed regulations address miscellaneous issues in connection with passive activity losses and credits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: PS-083-88

Drafting attorney: Robert Stoddart (202) 566-4543.

Reviewing attorney: Michael J. Grace (202) 566-4543.

Treasury attorney: John H. Parcell (202) 566-6965.

Income Tax

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4543

RIN: 1545–AM58

2514. ● ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469 (l)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulations will provide final rules for allocating interest expense for purposes of applying the passive loss, investment interest and personal interest limitations.

Timetable:

Action	Date	FR Cite
NPRM	07/02/87	52 FR 25036
NPRM Comment Period End	08/31/87	52 FR 25036
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-010-87

Drafting attorney: Robert N. Deitz (202) 377-9582.

Reviewing attorney: Michael J. Grace (202) 566-6460.

Treasury attorney: Adam Handler (202) 535-6964.

Passive Activity Losses and Credits

Agency Contact: Robert N. Deitz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9582

RIN: 1545–AM83

2515. LIMITATIONS ON PASSIVE ACTIVITY LOSSES AND CREDITS : DEFINITION OF ACTIVITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 469(l) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.469-0T; 26 CFR 1.469-1T; 26 CFR 1.469-2T; 26 CFR 1.469-3T; 26 CFR 1.469-4T; 26 CFR 1.469-5T; 26 CFR 1.469-11T

Legal Deadline: None

Abstract: Pursuant to the grant of regulatory authority in section 469(l), the regulations will define "activity".

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-48-87

Drafting attorney: Robert Stoddart (202) 566-4543.

Reviewing attorney: Michael J. Grace (202) 566-4543.

Treasury attorney: John H. Parcell (202) 535-6965.

13 Income Taxes

Agency Contact: Robert Stoddart, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4543

RIN: 1545–AK62

2516. ● SPECIAL RULES FOR ALLOCATION OF INTEREST EXPENSE AMONG EXPENDITURES IN THE CASE OF PASSTHROUGH ENTITIES

Legal Authority: 26 USC 469(l) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.163-8T

Legal Deadline: None

Abstract: The regulation will address the treatment of interest expense on (1) debt allocated to distributions by passthrough entities; (2) repayment of passthrough entity debt; (3) debt allocated to expenditures for interests in passthrough entities; and (4) allocation of debt to loans between passthrough entities and interest holders.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-109-87

Drafting attorney: Dexter Johnson (202) 377-9663.

Reviewing attorney: Michael Grace (202) 566-6460.

Treasury attorney: Adam A. Handler (202) 535-6964.

Passive Activity Losses and Credits

Agency Contact: Dexter Johnson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9663

RIN: 1545–AM79

2517. INCOME TAX--THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 472 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	04/11/83	48 FR 6134
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-254-81.

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 343-2383**

RIN: 1545–AB55

2518. INCOME TAX--RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 501 (c) (12) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	49 FR 1244
Hearingheld 5/31/84	03/26/84	49 FR 1186
Final Action	06/30/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-17-81.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AD99

2519. CONSENT DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Cross-reference notice of proposed rulemaking concerning rules relating to section 565 to limit the availability of consent dividend procedure of section 565 to only those entities entitled to a dividend paid deduction under section 561.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	52 FR 47609
Final Action	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-313-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6457**

RIN: 1545–AL86

2520. BAD DEBT RESERVES OF FINANCIAL INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This document will provide proposed regulations that relate to the repeal of the bad debt reserve for large banks.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information:

FI-81-86.

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Sharon Galm (202) 566-3326.

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, **202 566-3458**

RIN: 1545–AJ31

2521. INCOME TAX--LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 585 Internal Revenue Code of 1986; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	48 FR 56083
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-152-79.

Drafting attorney: Eric E. Boody (202) 566-4336.

Reviewing attorney: David Brandon (202) 566-3458.

TREAS—IRS

Final Rule Stage

Agency Contact: Eric E. Boody, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545–AB66

2522. INCOME TAX--SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613 (a) Internal Revenue Code of 1986; 26 USC 703 (a) Internal Revenue Code of 1986; 26 USC 705 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	42 FR 24279
Hearing	08/31/78	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-105-75.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4819**

RIN: 1545–AB73

2523. TRANSFERS BY INDIVIDUALS TO CORPORATION UNDER SECTION 613A (C)(10)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 613A (c)(10) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	49 FR 39076
Hearing	03/15/85	
Final Action	07/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-35-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4819**

RIN: 1545–AB74

2524. INCOME TAX - APPLICATION OF EFFECTIVE DATE FOR NEW RULES REGARDING DEDUCTIONS FOR MEAL, TRAVEL, AND ENTERTAINMENT TO PARTNERSHIPS AND S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 702 Internal Revenue Code of 1986; 26 USC 1366 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers relating to the effective date for new rules regarding deductions for meals, travel, and entertainment to partnerships and S corporations.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 6670
Final Action	10/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-29-87

Drafting attorney: David R. Haglund (202) 343-8459.

Reviewing attorney: Marshall D. Feiring (202) 566-4060.

Treasury Attorney: Susan Himes (202) 566-2565.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 343-8459**

RIN: 1545–AK80

2525. TAXABLE YEARS OF CERTAIN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 706 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the appropriate taxable year for certain partnerships.

Timetable:

Action	Date	FR Cite
NPRM	12/29/87	52 FR 49030
Final Action	09/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-101-86.

Drafting attorney: Beverly A. Baughman (202) 566-3980.

Reviewing attorney: Rudi Planert (202) 566-9293.

Treasury attorney: J. Richard Harvey (202) 566-4902.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3980**

RIN: 1545–AJ47

2526. PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

TREAS—IRS **Final Rule Stage**

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53174
NPRM Comment Period End	03/30/89	53 FR 53174
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-229-84.

Drafting attorney: Mary A. Munday (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9470

RIN: 1545–AH26

2527. MORTALITY AND MORBIDITY TABLES TO BE USED FOR INSURANCE PRODUCTS FOR WHICH THERE ARE NOT APPLICABLE COMMISSIONER'S TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 807 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide rules relating to the mortality and morbidity tables to be used in computing reserves for life insurance contracts for which there are no applicable Commissioner's standard tables.

Timetable:

Action	Date	FR Cite
NPRM	01/02/87	52 FR 0083
NPRM Comment Period End	03/03/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-71-86.

Drafting attorney: Katherine A. Hossofsky (202) 566-3458.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AK04

2528. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 809 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-159-84.

Drafting attorney: Katherine A. Hossofsky (202) 566-3458.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AG63

2529. INCOME TAX REGULATIONS-DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 817 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	09/15/86	51 FR 32664
NPRM Comment Period End	11/14/86	51 FR 32664
Hearing	07/01/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-295-84.

Drafting attorney: Katherine A. Hossofsky (202) 566-3458.

Reviewing attorney: Stephen D. Hooe (202) 566-3294.

Treasury attorney: Donald Rocap (202) 566-8277.

Agency Contact: Katherine A. Hossofsky, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AG79

2530. TREATMENT OF SALVAGE AND REINSURANCE IN DETERMINING LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the treatment of salvage and reinsurance recoverable in determining the paid and unpaid losses of property and casualty insurance companies.

Timetable:

Action	Date	FR Cite
NPRM	01/05/88	53 FR 153
Hearing	08/31/88	53 FR 28018
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-65-87

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545–AK49

2531. TEMPORARY INCOME TAX REGULATIONS--DISCOUNTING OF UNPAID LOSSES OF PROPERTY AND CASUALTY INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of l986; 26 USC 846 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules relating to the discounting of unpaid losses by property and casualty insurance companies. It is anticipated that the regulations will provide guidance with respect to the treatment of salvage and subrogation and the use of company's loss payment pattern.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-138-86.

Drafting attorney: Bill Blagg (202) 566-3294.

Reviewing attorney: Joe Ryals (202) 566-3459.

Treasury attorney: Don Rocap (202) 566-8277.

Agency Contact: Bill Blagg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3294

RIN: 1545–AI96

2532. ● TREATMENT OF DESIGNATED HEDGES BY RICS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 851 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide rules concerning the treatment of designated hedges by regulated investment companies.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-092-88

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: David Brandon (202) 566-3287.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Company

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AM82

2533. ● TREATMENT OF CERTAIN LOSSES ATTRIBUTABLE TO PERIODS AFTER OCTOBER OCTOBER 31 OF A TAXABLE YEAR OF A REGULATED INVESTMENT COMPANY

Legal Authority: 26 USC 852 (b)(3) Internal Revenue Code of 1986; 26 USC 852 (b)(8) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986; 26 USC 852 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to certain losses attributable to periods after October 31 of a taxable year of a regulated investment company for purposes of determining taxable income, earnings and profits, and the amount which may be designated as capital gain dividends for a taxable year.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-86-88

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William Coppersmith (202) 566-3336.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Regulated Investment Companies

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545–AM56

2534. APPORTIONMENT OF EXPENSES IN THE FSC AND DISC CONTEXTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide guidance on how expenses in the DISC and FSC contexts will be apportioned.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17473
Final Action	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-028-86

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: T. Timothy Tuerff (202) 566-9050.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AK78

2535. CALIFORNIA FRANCHISE TAX AND SECTION 1.861-8 ALLOCATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of allocation of deduction for state income and franchise taxes. Provides guidance in situations not addressed by current examples in regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	53 FR 49893
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-041-88

Drafting attorney: David F. Chan (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-3896.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AM08

2536. ALLOCATION OF GROSS INCOME ATTRIBUTABLE TO INTEREST RATE SWAPS UNDER SECTION 863 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 863 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides source rules for income and expenses attributable to interest rate swap agreements. Interest rate swap agreements are basically agreements used to hedge against interest rate fluctuation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-987-86

Drafting attorney: Charles T. Plambeck (202) 634-5406.

Reviewing attorney: Bob Katcher (202) 634-5406.

Treasury attorney: Peter Daub (202) 566-5991.

13 Income Taxes

Agency Contact: Charles T. Plambeck, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL26

2537. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of proposed rulemaking by cross-reference to temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income producing activities or property of corporations.

Timetable:

Action	Date	FR Cite
NPRM	09/14/88	53 FR 35525
Hearing	02/21/89	
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-952-86

Drafting attorney: David M. Merrick (202) 566-6276.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-2964.

13 Income Taxes.

Agency Contact: David M. Merrick, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6276

RIN: 1545–AM20

2538. TREATMENT OF RELATED PERSON FACTORING INCOME; CERTAIN INVESTMENTS IN UNITED STATES PROPERTY; AND STOCK REDEMPTIONS THROUGH RELATED CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the treatment of income derived by foreign corporations from factoring the receivables of related persons.

Timetable:

Action	Date	FR Cite
NPRM	06/14/88	53 FR 22186
NPRM Comment Period End	08/15/88	53 FR 22186
Hearing	02/09/89	53 FR 49895
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-49-86.

Drafting attorney: Steven Marcuse (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Steven Marcuse, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AH85

2539. TEMPORARY REGULATIONS FOR SOURCE RULES FOR PERSONAL PROPERTY SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide temporary rules for determining the source of income from sales of personal property until final regulations may be promulgated.

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Timetable:

Action	Date	FR Cite
Temporary regulation	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-356-88

Drafting attorney: Carol P. Tello (202) 634-5404.

Reviewing attorney: Robert E. Culbertson (202) 634-5404.

Treasury attorney: Mary Bennett (202) 566-2964.

13 Income Taxes.

Agency Contact: Carol P. Tello, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave. N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AL78

2540. EMPLOYMENT TAXES--APPLICATION OF REPEAL OF 30 PERCENT WITHHOLDING BY TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 35a

Legal Deadline: None

Abstract: Temporary regulations providing rules enforcing the exclusion from portfolio interest of interest received by certain related parties.

Timetable:

Action	Date	FR Cite
Temporary regulation	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-921-87

Drafting attorney: Carl M. Cooper (202) 634-5404.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Peter Daub (202) 566-2964.

13 Employment Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitutuion Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AM29

2541. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND 2ND LEVEL WITHHOLDING TAXES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
NPRM	09/02/88	53 FR 34120
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-934-86

Drafting attorney: Richard M. Elliott (202) 566-6457.

Reviewing attorney: Benedetta A. Kissel (202) 566-3179.

Treasury attorney: Peter Daub (202) 566-5791.

13 Income taxes.

Agency Contact: Richard M. Elliott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AJ73

2542. INCOME OF FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 892 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Notice of Proposed Rulemaking by Cross-reference to temporary regulations regarding the taxation of income of foreign governments and international organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24100
NPRM Comment Period End	08/26/88	53 FR 24100
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-285-88

Drafting attorney: David A. Juster (202) 566-6384.

Reviewing attorney: Bernard T. Bress (202) 566-6440.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: David A. Juster, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6384

RIN: 1545–AL93

2543. INCOME TAX--PARTNERSHIP RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 (e) (2) Internal Revenue Code of 1986; 26 USC 897 (g) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-48-86

Drafting attorney: James Sams (202) 634-5404.

Reviewing attorney: Robert Culbertson (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13Income Taxes.

Agency Contact: James Sams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AB98

2544. NOTICE OF PROPOSED RULEMAKING--NONRECOGNITION OF CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules concerning the effect of certain distributions including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16233
Final Action	12/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-491-87

Drafting attorney: Charles P. Besecky (202) 566-3319.

Reviewing attorney: Charles C. Saverude (202) 566-6008.

Treasury attorney: David Crowe (202) 566-6645.

13 Income taxes.

Agency Contact: Charles P. Besecky, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3319**

RIN: 1545–AK79

2545. AMENDMENT OF SECTION 1.901-2(E)(3)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 901(i) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules to implement 1986 Tax Act amendment to Section 901 concerning certain tax subsidiaries used by foreign governments. Proposal will deny foreign tax credit to the extent that there is a subsidy.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45942
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-942-86

Drafting attorney: Carol E. Murphy (202) 566-3160.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Carol E. Murphy, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3160**

RIN: 1545–AJ90

2546. CLARIFICATION OF TREATMENT OF SEPARATE LIMITATION LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514, Sec 1203

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Section 1203 of the Tax Reform Act of 1986 amends section 904 (f) by adding paragraph (5) at the end thereof which requires that foreign source losses with respect to any income category first offset the taxpayer's other foreign source income subject to a separate limitation for the taxable year on a proportionate basis before such losses offset the taxpayer's U.S. source income. Accordingly, the regulation will provide rules for the allocation of foreign source losses incurred in taxable years beginning before the effective date of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	05/17/88	53 FR 17472
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-932-86

Drafting attorney: Willard W. Yates (202) 566-3896.

Reviewing attorney: Carol Doran-Klein (202) 566-6419.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes

Agency Contact: Willard W. Yates, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., **202 566-3896**

RIN: 1545–AL17

2547. INCOME TAX--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 905 (c) Internal Revenue Code of 1986; 26 USC 6689 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301; 26 CFR 602

Legal Deadline: None

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth

deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/23/88	53 FR 23659
Final Action	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-61-86

Drafting attorney: Eli J. Dicker (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: David Crowe (202) 566-4791.

13 Income taxes.

Agency Contact: Eli J. Dicker, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 5531, Washington, D.C. 20224, 202 566-3499

RIN: 1545–AC09

2548. FSC TRANSFER PRICING RULES, DISTRIBUTIONS, DIVIDENDS RECEIVED, DEDUCTION AND OTHER SPECIAL RULES FOR FSC

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 925 (b) (1) Internal Revenue Code of 1986; 26 USC 925 (b) (2) Internal Revenue Code of 1986; 26 USC 927 (d) (2) (B) Internal Revenue Code of 1986; 26 USC 927 (e) (1) to 927 (e) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would provide rules for Application of the FSC Transfer Pricing Rules, Distributions, Dividends Received Deductions and Other Special FSC provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/03/87	52 FR 6467
NPRM Comment Period End	05/02/87	52 FR 6467
Hearing	01/19/88	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-153-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Carol Doran Klein (202) 566-3289.

Treasury attorney: D. Crowe (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3490

RIN: 1545–AI16

2549. INCOME TAX--DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936 (d) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/21/86	51 FR 2726
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-44-86

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Mary Bennett (202) 566-5815.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AC10

2550. CBI INVESTMENTS OF SECTION 936 FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 936(d)(4) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Will define investments made in qualified Caribbean Basin countries that give rise to interests or dividends available for the section 936 credit.

Timetable:

Action	Date	FR Cite
Temporary regulation	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-955-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: Christine Halphen (202) 377-9493.

Treasury attorney: Chisoon Lee (202) 343-0247.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Washington, D.C. 20024, 202 287-4851

RIN: 1545–AL81

2551. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	08/27/87	52 FR 32308
NPRM Comment Period End	10/26/87	

Action	Date	FR Cite
Final Action	04/15/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-57-86.

Drafting attorney: Richard Chewning (202) 566-3490.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3490**

RIN: 1545–AE38

2552. SUBPART F DEFINITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 954 Internal Revenue Code of 1986; 26 USC 957 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Definition of FPHC income. Particular issues include income equivalent to interest of property which does not give rise to income.

Timetable:

Action	Date	FR Cite
NPRM	07/21/88	53 FR 27532
Hearing	02/09/89	
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-362-88

Drafting attorney: Philip L. Garlett (202) 566-6645.

Reviewing attorney: Phyllis Marcus (202) 566-6645.

Treasury attorney: Peter Daub (202) 566-2964.

13 Income Taxes.

Agency Contact: Philip L. Garlett, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6645**

RIN: 1545–AM15

2553. FUNCTIONAL CURRENCY

Legal Authority: 26 USC 7805 Internal Revenue Code 0f 1986; 26 USC 985 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides rules for determining the currency an entity will compute gain or loss. If the entity is a foreign entity, it may be allowed to compute its gain or loss in a foreign currency and translate the net amount of such gain or loss into U.S. dollars.

Timetable:

Action	Date	FR Cite
NPRM	06/03/88	53 FR 20337
Final Action	04/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-962-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Bob Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL24

2554. PROFIT AND LOSS TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 987 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a profit and loss method of accounting prior to the enactment of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32405
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-393-88

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM13

2555. DEFINITION OF A QUALIFIED BUSINESS UNIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Certain foreign operations of a United States person or foreign corporation may have a functional currency other than the United States dollar if such operations satisfy the requirements for a qualified business unit.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20650
Final Action	12/31/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-983-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 566-5791.

13 Income taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM31

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2556. TRANSITION RULE FOR QUALIFIED BUSINESS UNITS USING A NET WORTH METHOD OF ACCOUNTING FOR TAXABLE YEARS BEGINNING BEFORE JANUARY 1, 1987

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 989 (c) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a net worth method of accounting prior to the enactment of the Tax Reform Act of 1986. Under the Act, foreign branches must now account for their operations under the profit and loss method as set forth in section 987 of the Code.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20651
Final Action	04/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-964-86

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: P. Ann Fisher (202) 566-4979.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AL29

2557. PROPOSED INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 995 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The Regulations will provide guidance relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
NPRM	02/02/87	52 FR 3256
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-043-86.

Drafting attorney: Joseph M. Rosenthal (202) 566-3872.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Unassigned.

13 Income taxes.

Agency Contact: Joseph M. Rosenthal, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3872**

RIN: 1545–AG71

2558. INCOME TAX--TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1058 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	48 FR 33912
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-182-78.

Drafting attorney: Scott Feldstein (202) 566-3297.

Reviewing attorney: Al Kraft (202) 566-3297.

Agency Contact: Scott Feldstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AC20

2559. CUSTOMS LIMITATION ON TAXPAYER'S BASIS IN PROPERTY IMPORTED FROM RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Tax Reform Act of 1986 importers could claim a transfer price for customs purposes that was too low to be consistent with the price they claim for income tax purposes. Section 1248 of the Tax Reform Act of 1986 addressed this problem by enacting Section 1059A of the Internal Revenue Code, under which importers cannot claim a transfer price for income tax purposes that is higher than would be consistent with the value they claim for customs purposes. Regulations will be needed to provide rules for coordinating customs and tax valuation principles. It is anticipated that as a result of Section 1059A of the Internal Revenue Code, some taxpayers will claim higher transfer prices for customs purposes. No estimate has been made of the revenue.

Timetable:

Action	Date	FR Cite
NPRM	09/03/87	52 FR 33427
NPRM Comment Period End	11/02/87	
Final Action	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-960-86

Drafting attorney: W. Edward Williams (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: W. Edward Williams, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950

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L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, 202 287-4851

RIN: 1545–AJ92

2560. INCOME TAX--SPECIAL ALLOCATION RULES FOR CERTAIN ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1060 Internal Revenue Code of 1986; 26 USC 755 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986; 26 USC 167 Internal Revenue Code of 1986; 26 USC 1031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will explain and illustrate the application of the residual method of allocation to the purchase price in certain asset acquisitions. It will also provide certain informational reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/18/88	53 FR 27053
NPRM Comment Period End	11/15/88	53 FR 32899
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-119-86.

Drafting attorney: Judith C. Winkler (202) 377-9662.

Reviewing attorney: Charles Whedbee (202) 566-3280.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Judith C. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 377-9662

RIN: 1545–AJ06

2561. ● CHARACTER OF GAINS AND LOSSES IN CASE OF STRADDLES WHERE AT LEAST ONE POSITION IS ORDINARY AND AT LEAST ONE POSITION IS CAPITAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation will provide guidance with respect to the timing and character of gains and losses in case of straddles where at least one position is ordinary and at least one position is capital.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-106-88

Drafting attorney: Mark Scott (202) 566-4336.

Reviewing attorney: David Brandon (202) 566-3287.

Straddles

Agency Contact: Mark Scott, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545–AM57

2562. INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) (1) Internal Revenue Code of 1986; 26 USC 1092 (b) (2) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	50 FR 3351
Hearing	05/02/85	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-299-84.

Drafting attorney: Scott D. Feldstein (202) 566-3297.

Reviewing attorney: Steve Glickstein (202) 566-3346.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Scott D. Feldstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH59

2563. INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1092 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, and the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	50 FR 3352
Hearing	05/02/85	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-297-84.

Drafting attorney: Karl T. Walli (202) 566-3297.

Reviewing attorney: Steven R. Glickstein (202) 566-3297.

Treasury attorney: Kathleen Ferrell (202) 566-2175.

Agency Contact: Karl T. Walli, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AH60

2564. GAINS FROM CERTAIN SALES OR EXCHANGES IN CERTAIN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

TREAS—IRS **Final Rule Stage**

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations that amend the regulations under section 1248 to partially suspend the application of section 1248(e) and to limit the application of section 1248(f) to those situations in which gain is not required.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-039-87

Drafting attorney: David Bergkuist (202) 566-6457.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: David Bergkuist, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL89

2565. INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1254 Internal Revenue Code of 1986; 26 USC 751 Internal Revenue Code of 1986; PL 94-455, Sec 205 Tax Reform Act of 1976; PL 94-455, Sec 1901 Tax Reform Act of 1976; PL 95-618, Sec 402 Energy Tax Act of 1978

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	45 FR 39512
Hearing	09/09/80	
Final Action	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-276-76.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: Charles Ramsey (202) 566-3553.

Treasury attorney: Barksdale Penick (202) 566-5453.

Natural Resources.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AC35

2566. HEDGING EXCEPTION TO MARK-TO-MARKET RULES FOR SECTION 1256 CONTRACTS, DEFERRAL OF CERTAIN STRADDLE LOSSES, AND WASH-SALE AND SHORT-SALE PRINCIPLES APPLICABLE TO CERTAIN STRADDLE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1256 (e) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the hedging transaction exception for section 1256 contracts and straddles.

Timetable:

Action	Date	FR Cite
Temporary Regulation	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-10-86.

Drafting attorney: Channing E. Brackey (202) 566-3287.

Reviewing attorney: David Brandon (202) 566-3287.

Agency Contact: Channing E. Brackey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-3287

RIN: 1545–AI72

2567. REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1275 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computer based on constant interest accrual. Guidance is also provided as to the computation of original issue discount in special circumstances where the bond contains a variable interest rate, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/08/86	51 FR 12022
Hearing	11/17/86	51 FR 24162
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-189-84.

Drafting attorney: William E. Blanchard (202) 566-3142.

Reviewing attorney: Andrew Kittler (202) 566-4114.

Treasury attorney: Reed Shuldiner (202)-566-2175.

Agency Contact: William E. Blanchard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3142

RIN: 1545–AH46

TREAS—IRS **Final Rule Stage**

2568. PASSIVE FOREIGN INVESTMENT COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1295 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provide guidance to passive foreign investment companies and their shareholders that are United States about the time, manner and other requirements for making certain elections.

Timetable:

Action	Date	FR Cite
NPRM	03/02/88	53 FR 06781
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-941-86

Drafting attorney: Gayle Novig (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-5896.

Treasury attorney: Mary Bennett (202) 566-5992.

Income taxes.

Agency Contact: Gayle Novig, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 634-5404

RIN: 1545–AI33

2569. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation, (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	51 FR 35659
NPRM Comment Period End	12/08/87	
Final Action	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-262-82.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Thomas Hines (202) 566-6813.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Income Tax

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3822

RIN: 1545–AE86

2570. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1363 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52190
Final Action	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-260-82.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Treasury attorney: Bryan Collins (202) 566-8277.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3822

RIN: 1545–AE26

2571. TEMPORARY REGULATION--APPLICATION OF SECTION 1374 BUILT-IN GAIN TAX TO C CORPORATION'S ELECTING S CORPORATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1374 Internal Revenue Code of 1986; 26 USC 337 (d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide ruling relating to the section 1374 built-in gains tax to C corporations electing S corporation status

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/12/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-6-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Nelson F. Crouch (202) 566-2456.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AK91

2572. WITHHOLDING ON ITEMS OF INCOME COVERED BY AN INCOME TAX CONVENTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations relate to the withholding on certain items of income subject to a reduced rate of, or exemption from, U.S. tax under an income tax convention to which the United States is a party. These regulations would amend the existing regulations to provide a certification requirement for obtaining reduced rates

of, or exemption from, U.S. withholding tax on payments of fixed or determinable annual or periodical income and certain other income.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35511
NPRM Comment Period End	11/09/84	49 FR 35511
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-41-86

Drafting attorney: Lisa L. Grogan (202) 287-4851.

Reviewing attorney: Michael F. Patton (202) 566-5862.

Treasury attorney: Peter Daub (202) 566-5815.

13 Income Taxes.

Agency Contact: Lisa L. Grogan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Suite 3319, Washington, DC 20024, 202 287-4851

RIN: 1545–AH86

2573. ● WITHHOLDING RULES ON DISTRIBUTIONS ATTRIBUTABLE TO DISPOSITIONS OF US REAL PROPERTY INTEREST BY PUBLICLY TRADED PARTNERSHIPS, TRUSTS AND REITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1445 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will address withholding upon proceeds of disposition of US property real interests by publicly traded partnerships, publicly traded trusts and real estate investment trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46688
Final Action	04/02/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-088-86

Drafting attorney: John Dean (202) 566-6307.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: Chisoon Lee (202) 566-4979.

13 Income taxes.

Agency Contact: John Dean, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6307

RIN: 1545–AM50

2574. TEMPORARY REGULATION ON WITHHOLDING TAX ON PAYMENTS FROM PARTNERSHIPS TO FOREIGN PARTNERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1446 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation explains when withholding is required under section 1446, how and when the amounts withheld are to be reported and paid over to the Internal Revenue Service, and when the taxpayer is to credit the tax withheld against its U.S. income tax liability or apply for a refund significant policy issues tax involved.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-938-86

Drafting attorney: David F. Chan (202) 634-5404.

Reviewing attorney: Robert E. Culbertson, Jr. (202) 634-5404.

Treasury attorney: David Crowe (202) 566-5791.

13 Income Taxes

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attn: CC:INTL, Room 3042, 202 634-5404

RIN: 1545–AL32

2575. INCOME TAX--CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing	12/10/84	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-97-79.

Drafting attorney: Roy Hirschhorn (202) 566-3354.

Reviewing attorney: John Broadbent (202) 566-3877.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thomas Wessel (202) 566-2928.

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3354

RIN: 1545–AC48

2576. INVESTMENT ADJUSTMENTS UNDER THE CONSOLIDATED RETURN REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Provision would amend the consolidated return investment adjustment rules by changing the computation of earnings and profits where section 312 (k), (l), (m), or (n) applies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-15-86.

Drafting attorney: Richard Marsh (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3877.

Agency Contact: Richard Marsh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 566-4324**

RIN: 1545–AI58

2577. TEMPORARY REGULATIONS-CONSOLIDATED RETURN INVESTMENT ADJUSTMENTS WITH RESPECT TO AN ACQUIRED SUBSIDIARY'S BUILT-IN GAINS OR LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986; 26 USC 337 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will prevent the consolidated return investment adjustments from reflecting the recognized built-in gains or losses of assets acquired in certain corporate acquisitions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	03/15/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-4-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Jonathan Kushner (202) 566-2456.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-2455**

RIN: 1545–AK95

2578. CONSOLIDATED RETURN REGULATIONS; ADJUSTMENT ON DISPOSITION OF STOCK OF SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will finalize temporary regulation 1.1502-32T concerning basis reduction accounts that are created when a subsidiary is deconsolidated but members of the affiliated group retain some stock in the deconsolidated subsidiary.

Timetable:

Action	Date	FR Cite
NPRM	03/14/88	53 FR 8773
NPRM Comment Period End	05/16/88	53 FR 8773
Final Action	12/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-28-88

Drafting attorney: Kenneth Cohen (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Bryan Collins (202) 566-2175 and Thomas Wessel (202) 566-2927.

13 Income Tax

Agency Contact: Kenneth Cohen, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3877**

RIN: 1545–AL59

2579. ADJUSTMENTS REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

Action	Date	FR Cite
NPRM	09/08/88	53 FR 34779
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-66-88

Drafting attorney: Richard Marsh (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3484.

Treasury attorney: Thomas Wessel (202) 566-2927 and Bryan Collins (202) 566-2175.

13 Income Tax

Agency Contact: Richard Marsh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4324**

RIN: 1545–AL62

2580. AMENDMENT OF CONSOLIDATED RETURN REGULATIONS REGARDING DEFERRAL OF GAIN OR LOSS ON COMPLETE LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance relating to the treatment of gain recognized upon complete liquidations of corporations in a consolidated group.

Timetable:

Action	Date	FR Cite
NPRM	04/18/88	53 FR 12705
NPRM Comment Period End	06/17/88	53 FR 12705
Final Action	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-47-88

Drafting attorney: Richard Marsh (202) 566-3877.

Reviewing attorney: John Broadbent (202) 566-4324.

Treasury attorney: Thomas Wessel (202) 566-2928.

13 Income Tax

Agency Contact: Richard Marsh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3877

RIN: 1545–AL63

2581. CONSOLIDATED INVESTMENT CREDIT RECAPTURE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-3(f)(2)

Legal Deadline: None

Abstract: Section 47 (a) (1) of the Internal Revenue Code and the regulations thereunder provide the general rule that if section 38 property is disposed of there shall be recapture of investment credit. Section 1.1502-3 (f) (2) provides an exception to that rule for the transfer of section 38 property between members of an affiliated group; such a transfer will not cause a disposition within the meaning of section 47 (a) (1). This exception is premised on treating the affiliated group, for investment tax credit purposes, as a single entity that continues to own the property after the transfer. Such a premise is not justified, and the exception does not apply, if at the time of the transfer there is an intent that the property subsequently leave the group in a transaction described in section 1.1502-13 (f). See Rev. Rul. 82-20, 1982-1 CB 6. In such a case, recapture is appropriate. The regulation will amend section 1.1502-3 (f) (2) to make this explicit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-80-88

Drafting attorney: Roy Hirschhorn (202) 566-3354.

Reviewing attorney: John Broadbent (202) 566-3877.

13 Income tax

Agency Contact: Roy A. Hirschhorn, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3354

RIN: 1545–AM35

2582. TREATMENT OF DIVIDEND DISTRIBUTIONS AFTER THE SALE OF A SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1.1502-32(T)

Legal Deadline: None

Abstract: When a subsidiary declares a dividend while a member of a consolidated group, but pays the dividend after disaffiliation from the consolidated group, the basis of the subsidiary's stock is not reduced by the amount of the dividend. The problem is caused by a difference in timing of the two events in (payment of dividend and declaration of dividend) and its effect on earnings and profits and basis. This regulation will alleviate the problem by providing that basis of the subsidiary's stock will be reduced when the subsidiary declares a dividend.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/02/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-81-88

Drafting attorney: Richard Marsh (202) 566-4324.

Reviewing attorney: John Broadbent (202) 566-3484.

Treasury attorney: Bryan Collins (202) 566-2175.

13 Income tax

Agency Contact: Richard Marsh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4324

RIN: 1545–AM36

2583. DUAL RESIDENT COMPANIES LIMITATION ON CONSOLIDATED LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1503(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: If a U.S. Corporation is subject to a foreign country's tax on worldwide income, or on a residence basis as opposed to a source basis, any taxable loss it incurs cannot reduce the taxable income of any other member of a U.S. affiliated group for any other taxable year. Where a corporation is subject to foreign tax on a residence basis, then for U.S. purposes, its loss will be available to offset income of that corporation in other years, but not income of another U.S. Corporation. Regulations may exempt a U.S. corporation from this rule to the extent that its losses do not offset the income of foreign corporations for foreign tax purposes.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-961-86

Drafting attorney: Shannon M. Votava (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: David Crowe (202) 566-8275.

13 Income Taxes.

Agency Contact: Shannon M. Votava, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ54

2584. CROSS-REFERENCE--ALASKA NATIVE CORPORATIONS; REQUIREMENTS FOR AFFILIATION IN ORDER TO FILE A CONSOLIDATED RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1504 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal will provide rules relating to the affiliated requirements of Alaska Native Corporations with certain other corporations in order to file a consolidated return.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	03/18/87	52 FR 8471
Final Action	12/29/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-23-87

Drafting attorney: Mark S. Jennings (202) 566-2455.

Reviewing attorney: Virginia S. Voorhees (202) 566-2454.

Agency Contact: Mark S. Jennings, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-2455

RIN: 1545–AK88

2585. ESTATE & GIFT TAXES--INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2036 (a) Internal Revenue Code of 1986

CFR Citation: 26 CFR 20

Legal Deadline: None

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	48 FR 35143
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-181-76.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Reviewing attorney: Lee Dunn (202) 566-4626. attorney: Not Available

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 535-9512

RIN: 1545–AC63

2586. ESTATE AND GIFT TAXES--INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2012 Internal Revenue Code of 1986; 26 USC 2014 Internal Revenue Code of 1986; 26 USC 2055 Internal Revenue Code of 1986; 26 USC 2056 Internal Revenue Code of 1986; 26 USC 2207A Internal Revenue Code of 1986; 26 USC 2519 Internal Revenue Code of 1986; 26 USC 2523 Internal Revenue Code of 1986; 26 USC 6019 Internal Revenue Code of 1986

CFR Citation: 26 CFR 20; 26 CFR 25

Legal Deadline: None

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	49 FR 21350
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-211-76.

Drafting attorney: Susan Hurwitz (202) 566-5983.

Reviewing attorney: Lee A. Dunn (202) 566-4626.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Agency Contact: Susan Hurwitz, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-5983

RIN: 1545–AC67

2587. ESTATE TAX--GENERATION SKIPPING TRANSFER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 2653 Internal Revenue Code of 1986; 26 USC 2662 Internal Revenue Code of 1986; 26 USC 2663 Internal Revenue Code of 1986

CFR Citation: 26 CFR 26; 26 CFR 26a

Legal Deadline: None

Abstract: The regulations will provide rules relating to the effective date provisions, return requirements, definitions, and certain special rules for the tax on generation skipping transfers.

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8469
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-128-86.

Drafting attorney: John B. Franklin (202) 535-9514.

Reviewing attorney: Fred E. Grundeman (202) 535-9512.

Treasury attorney: Not available

Agency Contact: John B. Franklin, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 535-9514

RIN: 1545–AJ11

2588. EMPLOYMENT TAX--TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3121 Internal Revenue Code of 1986; 26 USC 3231 Internal Revenue Code of 1986; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period End	09/06/82	

Action	Date	FR Cite
Final Action	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-23-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Neal J. Sheldon (202) 566-3783.

Treasury attorney: Paul Strella (202) 535-6965.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AC77

2589. BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3406 Internal Revenue Code of 1986

CFR Citation: 26 CFR 35a

Legal Deadline: None

Abstract: This regulation clarifies certain requirements under section 35a.3406-1 regarding backup withholding due to incorrect TIN.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-8-88

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: John Coulter (202) 566-3928.

Treasury attorney: Susan Himes (202) 566-8527.

13 Income Taxes

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AL48

2590. BACKUP WITHHOLDING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 35a

Legal Deadline: None

Abstract: This regulation relates to the requirement that certain payments must be reported to the Internal Revenue Service and that in certain instances 20% of a reportable payment must be deducted and withheld under section 3406 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 05991
Final Action	12/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-052-86

Drafting attorney: Teresa B. Hughes (202) 634-5406.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Marlin Risinger (202) 566-4979.

13 Income Taxes.

Agency Contact: Teresa B. Hughes, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 634-5406

RIN: 1545–AL99

2591. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES--REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 3508 Internal Revenue Code of 1986; 26 USC 3509 Internal Revenue Code of 1986; 26 USC 6041A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31

Legal Deadline: None

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers. The proposed rules would also provide guidance for computing certain employer liability for employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/07/86	51 FR 619
NPRM Comment Period End	03/10/86	51 FR 619
Hearing	06/18/86	
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-37-88.

Drafting attorney: Alfred Kelley (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Alfred Kelley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AE62

2592. ELECTION TO HAVE CERTAIN DIESEL FUEL TAXES IMPOSED ON SALES TO RETAILERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4041 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide guidance to assist diesel fuel retailers in making an election to have the diesel fuel excise tax collected by the wholesaler at the time the liquid is sold to the retailer.

Timetable:

Action	Date	FR Cite
NPRM	03/01/88	53 FR 6524
NPRM Comment Period End	05/02/88	53 FR 6524
Final Action	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-114-86

Drafting attorney: Frank Boland (202) 566-4475.

TREAS—IRS **Final Rule Stage**

Reviewing attorney: Dick Kocak (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: Frank Boland, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AJ13

2593. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4051 Internal Revenue Code of 1986; 26 USC 4052 Internal Revenue Code of 1986; 26 USC 4053 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145

Legal Deadline: None

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-142-83.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-5453.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4077

RIN: 1545–AF79

2594. TAXABILITY OF CONVERTER DOLLIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 145.4051

Legal Deadline: None

Abstract: The regulation will address whether converter dollies for truck semitrailers are subject to tax under section 4051 of the Code.

Timetable:

Action	Date	FR Cite
Temporary Regulation	12/31/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-59-88

Drafting attorney: Theodore Margopulos (202) 343-8555.

Reviewing attorney: Richard Kocak (202) 566-3398.

13 Excise Tax

Agency Contact: Theodore N. Margopulos, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-8555

RIN: 1545–AL71

2595. EXCISE TAX - EXCISE TAX ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS

Legal Authority: 26 USC 4052 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will clarify the definition of first retail sale.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16882
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-17-86.

Drafting attorney: Edward Madden (202) 566-4077.

Reviewing attorney: Michael Owens (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: Edward Madden, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4077

RIN: 1545–AI51

2596. EXCISE TAX–COLLECTION OF EXCISE TAX IMPOSED ON THE SALE OR REMOVAL OF GASOLINE

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986; 26 USC 4082 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: The regulations will provide rules relating to excise tax imposed on the sale or removal of gasoline. The regulations will also provide procedural requirements for any required registration and bonding, and obtaining applicable refunds or credits relating to the excise tax.

Timetable:

Action	Date	FR Cite
NPRM	11/18/87	52 FR 44141
Hearing	01/05/88	
NPRM - withdrew one paragraph of 11/18/87 NPRM	09/27/88	53 FR 37950
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

PS-115-86.

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Rocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AJ09

2597. EXCISE TAX ON DIESEL FUEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4091 to 4093 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides guidance on the collection of diesel fuel

excise tax under the Revenue Act of 1987.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-3-88

Drafting attorney: Frank Boland (202) 566-4475.

Reviewing attorney: Dick Rocak (202) 566-4077.

Treasury attorney: Ellen Aprill (202) 566-5453.

13 Excise Taxes

Agency Contact: Frank Boland, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AL43

2598. GASOLINE EXCISE TAX BOND REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986; 26 USC 4081 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the bond requirement under section 4101 as it pertains to gasoline excise tax.

Timetable:

Action	Date	FR Cite
NPRM	09/27/88	53 FR 37590
Final Action	12/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-77-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Consitution Ave., N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AM32

2599. EXCISE TAX--ELECTION TO AGGREGATE LINES OF BUSINESS FOR PURPOSES OF CERTAIN FRINGE BENEFIT EXCLUSIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4977 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54

Legal Deadline: None

Abstract: Regulations will provide guidance in the manner of making an election under section 4977. The regulations will also provide rules concerning the requirements for making a section 4977 election.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	50 FR 836
Hearing See additional information	04/16/85	50 FR 7072
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-139-87

Drafting attorney: Rhonda G. Migdail (202) 566-4747.

Reviewing attorney: Jerry Holmes (202) 566-4747.

Treasury attorney: Priscilla Ryan (202) 566-5453.

Proposed and temporary regulations under section 4977 were published together with other fringe benefits regulations (LR-216-84) and the subject of public hearings. Additional section 4977 regulations will be provided exclusively in this project.

Agency Contact: Rhonda G. Migdail, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, 202 566-4747

RIN: 1545–AI63

2600. EXCISE TAX -- EXCESS DISTRIBUTIONS FROM QUALIFIED RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4981A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide rules for determining the amount of the excise tax on excess distributions from qualified retirement plans.

Timetable:

Action	Date	FR Cite
NPRM	12/10/87	52 FR 46782
NPRM Comment Period End	02/08/88	52 FR 46782
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-162-86

Drafting attorney: Richard Pavel (202) 566-4747.

Reviewing attorney: Jerry Holmes/Richard Wickersham (202) 566-4747/(202) 566-4621.

Treasury attorney: Paul Strella (202) 566-6958.

Agency Contact: Richard Pavel, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AI81

2601. EXCISE TAX--ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4986 to 4998 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

TREAS—IRS **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	09/30/86	51 FR 34653
NPRM Comment Period End	12/01/86	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-225-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Treasury attorney: Bryan Collins (202) 566-2175.
Withdrawal notice in signature package.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4819**

RIN: 1545–AC94

2602. EXCISE TAX–DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4996 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	09/25/86	51 FR 34095
NPRM Comment Period End	11/24/86	51 FR 34095
Hearing	02/25/87	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: PS-34-82.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Windfall Profits Tax

Withdrawal notice in signature package

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4819**

RIN: 1545–AD08

2603. EXCISE TAX ON "GREENMAIL"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 5881 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: This regulation provides for the manner, method, and time of reporting and paying the 50-percent excise tax imposed with respect to receipt of "greenmail."

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-7-88

Drafting attorney: Warren Joseph (202) 566-2123.

Reviewing attorney: Karin G. Cross (202) 566-3889.

Treasury attorney: J. Judge Kelley (202) 566-8278.

Excise Taxes

Agency Contact: Warren Joseph, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-2123**

RIN: 1545–AL47

2604. EXCISE TAX -- PART 54 -- PROCEDURE AND ADMINISTRATION-- PART 301 -- FILING OF RETURNS FOR PAYMENT OF PENSION EXCISE TAX ON REVERSIONS OF QUALIFIED PLAN ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4980 Internal Revenue Code of 1986

CFR Citation: 26 CFR 54; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide guidance regarding the payment of the excise tax by employers receiving reversions of qualified plan assets imposed by section 4980 of the Internal Revenue Code of 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/02/87	52 FR 10583
NPRM Comment Period End	06/01/87	52 FR 10583
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-151-86

Drafting attorney: Suzanne K. Tank (202) 566-3060.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-8277.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AI83

2605. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	01/23/86	51 FR 3075
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-198-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Robert A. Berkovsky (202) 566-3851.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3627**

RIN: 1545–AE40

2606. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to nominee reporting of partnership interest which such nominee holds for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
NPRM	09/07/88	53 FR 34545
NPRM Comment Period End	11/07/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-156-86.

Drafting attorney: Vincent G. Surabian (202) 566-4680.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-4979.

Agency Contact: Vincent G. Surabian, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4680**

RIN: 1545–AJ98

2607. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	49 FR 646
Hearing	03/28/84	49 FR 645
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-201-83.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AG02

2608. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	49 FR 22343
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-62-84.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 377-9581**

RIN: 1545–AG52

2609. INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation proposed to adopt as final rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
NPRM	04/03/87	52 FR 10774
Hearing	07/22/87	52 FR 23308
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-95-86.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Treasury attorney: Judge Kelley (202) 566-2175.

TREAS—IRS **Final Rule Stage**

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 377-9581

RIN: 1545–AJ25

2610. INCOME TAX--INFORMATION REPORTING ON REAL ESTATE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6045 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide additional rules relating to the reporting of real estate transactions.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/30/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-130-87

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Reviewing attorney: David L. Crawford (202) 377-9590.

Treasury attorney: Judge Kelley (202) 566-2175.

13 Income Tax

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545–AL06

2611. ● TO CLARIFY THE OBLIGATION OF BROKERS TO REPORT ORIGINAL ISSUE DISCOUNT ON FORM 1099

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6049 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulation explains the revised reporting requirements for original issue discount on debt instruments held by brokers and other middlemen as nominees to make it clear that a broker or middleman has an unqualified obligation to report original issue discount on certain debt instruments held as a nominee.

Timetable:

Action	Date	FR Cite
NPRM	12/17/86	51 FR 45131
NPRM Comment Period End	02/17/87	51 FR 45131

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-144-85

Drafting attorney: Carol Nachman (202) 566-3287.

Reviewing attorney: Thomas Lyden (202) 566-3287.

Original Issue Discount Reporting Requirements of Brokers

Agency Contact: Carol Nachman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545–AM80

2612. FINAL REGULATIONS RELATING TO REPORTS OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050J Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-181-84.

Drafting attorney: Arthur E. Davis III (202) 377-9581.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545–AG48

2613. REPORTING REQUIREMENTS PERTAINING TO RETURNS RELATING TO PERSONS RECEIVING CONTRACTS FROM FEDERAL EXECUTIVE AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6050M Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance to the heads of Federal executive agencies for purposes of complying with information and reporting requirements prescribed by section 6050M.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 28669
NPRM Comment Period End	08/29/88	
Final Action	04/03/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: IA-133-86

Drafting attorney: Keith E. Stanley (202) 566-3367.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Judge J. Kelley (202) 566-2175.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3367

RIN: 1545–AJ05

2614. NOTICE OF PROPOSED RULEMAKING - AUTOMATIC EXTENSION OF TIME TO FILE PARTNERSHIP RETURN OF INCOME AND TRUST INCOME TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Automatic Extension of Time to File Partnership Return of Income and Trust Income Tax Return.

Timetable:

Action	Date	FR Cite
NPRM	04/05/88	53 FR 11103
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-29-88

Drafting attorney: James A. Orefice (202) 566-3637.

Reviewing attorney: Cynthia L. Clark (202) 566-6302.

Treasury attorney: Greg Marich (202) 566-5453.

13 Income Taxes

Agency Contact: James A. Orefice, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3637**

RIN: 1545–AL38

2615. EXTENSION OF TIME TO FILE FOR TAXPAYERS TRAVELING OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: Regulations to repeal extension of time to file income tax returns for taxpayers traveling outside the United States and Puerto Rico.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-287-88

Drafting attorney: Peter J. Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3499**

RIN: 1545–AM07

2616. INCOME TAX-DISCLOSURE OF RETURN INFORMATION TO OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF COMMERCE FOR CERTAIN STATISTICAL PURPOSES AND RELATED ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6103 (j) Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: Proposed regulation would disclose to the Bureau of the Census additional tax return information needed to help them determine whether an individual who itemizes is over 65.

Timetable:

Action	Date	FR Cite
NPRM	12/14/88	53 FR 50243
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-42-88

Drafting attorney: Paul Winkler (202) 566-2123.

Reviewing attorney: Karin G. Gross (202) 566-3889.

13 Procedure and Information

Agency Contact: Paul W. Winkler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, **202 566-2123**

RIN: 1545–AM02

2617. ● IDENTIFYING NUMBERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6109 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.6109-1(c), (Revision)

Legal Deadline: None

Abstract: Amend regulations to delete requirement that payor sign affidavit on transmittal for information returns regarding solicitation of payee taxpayer identification numbers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-90-88

Drafting Attorney: Margaret A. Owens (202) 566-2123.

Reviewing Attorney: Karin G. Gross (202) 566-3889.

Procedure and Administration

Agency Contact: Margaret A. Owens, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-2123**

RIN: 1545–AM44

2618. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	49 FR 32728
Hearing held	01/17/85	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-142-84.

Drafting attorney: Paulette Galanko (202) 566-3731.

Reviewing attorney: Tom Luxner (202) 566-4495.

Agency Contact: Paulette C. Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AG45

2619. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6222 Internal Revenue Code of 1986; 26 USC 6223 Internal Revenue Code of 1986; 26 USC 6224 Internal Revenue Code of 1986; 26 USC 6227 Internal Revenue Code of 1986; 26 USC 6230 Internal Revenue Code of 1986; 26 USC 6231 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	04/18/86	51 FR 13231
NPRM Comment Period End	06/17/86	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-205-82.

Drafting attorney: William Galanis (202) 377-9470.

Reviewing attorney: Dianna Miosi (202) 566-4070.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: William Galanis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9470

RIN: 1545–AE51

2620. SMALL S CORPORATION EXCEPTION AND DEFINITION OF SUBCHAPTER S ITEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6241 Internal Revenue Code of 1986; 26 USC 6245 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301; 26 CFR 602; 26 CFR 51

Legal Deadline: None

Abstract: These regulations will provide a small S corporation exception to the unified corporate audit procedures of subchapter D of chapter 63 of the Internal Revenue Code. These regulations also will define subchapter S items for purposes of the income tax and windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	52 FR 3027
NPRM Comment Period End	03/31/87	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-74-86.

Drafting attorney: William J. Gregg (202) 566-3621.

Reviewing attorney: Dianna K. Miosi (202) 566-4070.

Office of Tax Legislative Counsel Reviewing attorney: Bryan P.

Collins (202) 566-8277.

Agency Contact: William J. Gregg, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3621

RIN: 1545–AJ99

2621. PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	50 FR 39713
Temporary Regulations	11/30/85	
Temporary Regulations	05/13/87	52 FR 17949
NPRM	01/06/89	54 FR 428
Temporary Regulations	01/06/89	54 FR 400
NPRM Comment Period End	03/07/89	54 FR 428
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-291-84.

Drafting attorney: Sharon L. Hall (202) 566-4811.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4811

RIN: 1545–AG95

2622. PROCEDURE AND ADMINISTRATIVE--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend proposed regulations published September 30, 1985 relating to the reduction of a taxpayer's overpayment of tax by the amount of past-due legally enforceable debt owed to a federal agency by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	05/13/87	52 FR 17949
Final Action	00/00/00	

Small Entities Affected: None

TREAS—IRS

Final Rule Stage

Government Levels Affected: None

Additional Information: IA-72-86

Drafting attorney: Sharon L. Hall (202) 566-4811.

Reviewing attorney: David Dickinson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4811

RIN: 1545–AK12

2623. PROCEDURE AND ADMINISTRATIONS--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/06/89	54 FR 428
NPRM Comment Period End	03/07/89	54 FR 428
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-41-88

Drafting attorney: Sharon L. Hall (202) 566-4811.

Reviewing attorney: David Dickinson (202) 535-9543.

Treasury attorney: Barksdale Penick (202) 535-6964.

13 Procedure and Administration

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, 202 566-4811

RIN: 1545–AL66

2624. PROCEDURE AND ADMINISTRATION - ABATEMENT OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations will provide guidance on the definition of ministerial act.

Timetable:

Action	Date	FR Cite
NPRM	08/13/87	52 FR 30177
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-34-87

Drafting attorney: John J. McGreevy (202) 566-4196

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: John J. McGreevy, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4196

RIN: 1545–AK71

2625. ● ABATEMENT OF PENALTIES OR ADDITIONS TO TAX ATTRIBUTABLE TO ERRONEOUS WRITTEN ADVICE OF INTERNAL REVENUE SERVICE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6229; 26 USC 6404 (e)Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: Other, Statutory, May 10, 1989.

Abstract: These regulations relate to the abatement of a portion of any penalty or addition to tax attributable to erroneous written advice furnished to a taxpayer by the Internal Revenue Service. The regulations will provide a definition for the term "advice", and will provide procedures that must be followed to obtain an abatement.

Timetable:

Action	Date	FR Cite
Temporary Regulation	05/10/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: IA-103-88

Drafting Attorney: Steve Toomey (202) 566-6320.

Reviewing Attorney: Bill Jackson (202) 566-6320.

Abatement of penalties

Agency Contact: Steve Toomey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-6320

RIN: 1545–AM47

2626. PROCEDURE AND ADMINISTRATION REGULATIONS--MODIFICATIONS OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6611 Internal Revenue Code of 1986; 26 USC 6601 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period End	12/10/84	
Final Action	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-280-82.

Drafting attorney: Gail M. Winkler (202) 566-4442.

Reviewing attorney: Norlyn Miller (202) 566-3273.

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4442

RIN: 1545–AF10

TREAS—IRS

Final Rule Stage

2627. PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6621 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	49 FR 50406

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-180-84.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Robert A. Berkovsky (202) 566-3851.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AG75

2628. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6655 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing	06/26/84	
Final Action	04/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-228-82.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Peter J. Frederick (202) 566-3825.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3627

RIN: 1545–AE37

2629. PENALTY FOR FAILURE TO INCLUDE CORRECT INFORMATION ON INFORMATION RETURNS AND PAYEE STATEMENTS

Legal Authority: 26 USC 6723 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations provide guidance on the penalty for failing to provide correct information on information returns and payee statements

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34358

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-142-86.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Peter Frederick (202) 566-3825.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-3627

RIN: 1545–AJ29

2630. PROCEDURE AND ADMINISTRATION--PROPERTY SEIZED BY THE INTERNAL REVENUE SERVICE UNDER THE MONEY LAUNDERING CONTROL ACT OF 1986

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7103 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 405

Legal Deadline: None

Abstract: This regulation provides guidance with respect to property seized by the Internal Revenue Service under the Money Laundering Control Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-24-87

Drafting attorney: Howard Garber (202) 566-4811.

Reviewing attorney: Karin G. Gross (202) 566-3889.

Agency Contact: Howard Garber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, 202 566-4811

RIN: 1545–AL04

2631. AMENDMENT OF REGULATIONS TO PERMIT DISCLOSURE OF TAX RETURN INFORMATION BETWEEN FRANCHISEES WHO JOINTLY OPERATE A TAX SERVICE

Legal Authority: 26 USC 7216 Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would allow disclosure of tax return information by tax return preparers for the purpose of monitoring quality of return preparation.

Timetable:

Action	Date	FR Cite
NPRM	11/19/85	50 FR 47563
NPRM Comment Period End	12/19/85	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: IA-3-85.

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Peter J. Frederick (202) 566-3825.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3627**

RIN: 1545–AH91

2632. ● RECOVERY OF ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7430 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301.7430

Legal Deadline: None

Abstract: Section 6239 of the Technical and Miscellaneous Revenue Act expands section 7430 of the Internal Revenue Code to allow the recovery of administrative costs incurred after the earlier of the date of the receipt by the taxpayer of the notice of decision of the IRS Office of Appeals or the date of the notice of deficiency, if the taxpayer prevails against a position of the U.S. that is not substantially justified. The regulations will define essential terms in the statute and develop procedures to administer the statute.

Timetable:

Action	Date	FR Cite
Temporary Regulation	06/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: IA-3-89

Drafting attorney: Grace Matuszeski (202) 343-2382.

Reviewing attorney: John Fischer (202) 566-8131.

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 343-2382**

RIN: 1545–AN02

2633. PROCEDURE AND ADMINISTRATION--AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	44 FR 71430
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: IA-406-71

Drafting attorney: Renay France (202) 566-3627.

Reviewing attorney: Neal E. Sheldon (202) 566-3783.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3627**

RIN: 1545–AD42

2634. ● PROCEDURE AND ADMINISTRATION REGULATIONS--REIMBURSEMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7624 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation would provide rules relating to reimbursement to State and Local law enforcement agencies for expenses incurred for information furnished to IRS that substantially contributes to recovery of taxes on illegal drug related activities.

Timetable:

Action	Date	FR Cite
Temporary regulation	04/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: IA-95-88

Drafting Attorney: Gail M. Winkler (202) 566-4442.

Reviewing Attorney: Norlyn D. Miller, Jr. (202) 566-3273.

Procedure and Administration

Agency Contact: Gail M. Winkler, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-4442**

RIN: 1545–AM45

2635. AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Legal Deadline: None

Abstract: These regulations provide rules for determining whether an alien individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/10/87	52 FR 34230
NPRM Comment Period End	11/10/87	52 FR 34230
Hearing	06/15/88	
Final Action	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-55-86.

Drafting attorney: Peter Hanley (202) 566-3499.

Reviewing attorney: Carol Doran Klein (202) 566-6419.

Treasury attorney: P. Ann Fisher (202) 566-4439.

13 Income taxes.

Agency Contact: Peter J. Hanley, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3499

RIN: 1545–AH13

2636. EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide proposed rules relating to effective dates and other questions arising under the employee benefit provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4391
Hearing	06/26/86	51 FR 15916
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: EE-96-85.

Drafting attorney: John T. Ricotta (202) 566-4747.

Reviewing attorney: Michael A. Thrasher (202) 566-3576.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4747

RIN: 1545–AI21

2637. ● THE TIME AND MANNER OF MAKING CERTAIN ELECTIONS UNDER THE TECHNICAL AND MISCELLANEOUS REVENUE ACT OF 1988

Legal Authority: 26 USC 168 Internal Revenue Code of 1986; 26 USC 42 Internal Revenue Code of 1986; 26 USC 382 Internal Revenue Code of 1986; 26 USC 460 Internal Revenue Code of 1986; 26 USC 832 Internal Revenue Code of 1986; 26 USC 835 Internal Revenue Code of 1986; 25 USC 219 Internal Revenue Code of 1986; 26 USC 904 Internal Revenue Code of 1986; 26 USC 865 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986; 26 USC 245 Internal Revenue Code of 1986; 26 USC 897 Internal Revenue Code of 1986; 26 USC 936 Internal Revenue Code of 1986; 26 USC 1296 Internal Revenue Code of 1986

CFR Citation: 26 CFR 5.6(h)

Legal Deadline: None

Abstract: This document contains temporary regulations relating to the time and manner of making certain elections under the Technical and Miscellaneous Revenue Act of 1988.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: IA-096-88

Drafting attorney: Grace Matuszeski (202) 343-2382.

Reviewing attorney: John Fischer (202) 566-8131.

Administration and Procedures

Agency Contact: Grace Matuszeski, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-2382

RIN: 1545–AM76

2638. ● TAXPAYER ASSISTANCE ORDERS

Significance: Agency Priority

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 100-647, Sec 6230

CFR Citation: 26 CFR 1.7811

Legal Deadline: Other, Statutory, February 8, 1989.
February 8, 1989. 90 days from date on which PL 100-69 was enacted (11-10-88).

Abstract: PL 100-647, Sec. 7811, adds new section 7811 to the Internal Revenue Code. This section provides that upon application filed by a taxpayer with the Ombudsman's office, the Ombudsman may issue a taxpayer assistance order (TAO) upon a determination that the taxpayer is or about to suffer a significant hardship as a result of how the internal revenue laws are being administered by the Service. The implemental regulations will discuss the form, manner and time for filing an application for assistance, the terms of a TAO, and the suspension of applicable periods of limitation.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: GL-703-88

Drafting attorney: Joseph W. Clark (202) 566-3358.

Reviewing attorney: Robert Miller (202) 566-3362.

Procedure and Administration

Agency Contact: Joseph W. Clark, Technical Assistant to the Chief, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3358

RIN: 1545–AM61

2639. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7701 Internal Revenue Code of 1986; 26 USC 7871 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-221-83.

Drafting attorney: Lauren G. Shaw (202) 566-3828.

TREAS—IRS **Final Rule Stage**

Reviewing attorney: William Coppersmith (202) 566-3336.

Office of Tax Legislative Counsel: Elliot Stern (202) 566-2926.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545–AF77

2640. REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 7872 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	08/20/85	50 FR 33553
NPRM Comment Period End	10/20/85	50 FR 33553
Hearing	01/09/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: FI-165-84.

Drafting attorney: David B. Silber (202) 566-3432.

Reviewing attorney: Maura Sullivan (202) 566-3288.

Agency Contact: David B. Silber, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3432

RIN: 1545–AH72

DEPARTMENT OF THE TREASURY (TREAS)
Internal Revenue Service (IRS)

Completed Actions

2641. STATEMENT OF PROCEDURAL RULES--MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 301; 5 USC 552

CFR Citation: 26 CFR 601; 26 CFR 602

Legal Deadline: None

Abstract: The document contains miscellaneous amendments to the Statement of Procedural Rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco and Firearms. Some amendments update the SPR to reflect changes in nomenclature. The other amendments are described in the order of the sections of the SPR being amended.

Timetable:

Action	Date	FR Cite
Closed by Memorandum	09/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-257-83.

Drafting author: George H. Bradley (202) 343-0231.

Reviewing attorneys: George H. Bradley (202) 343-0231 and Charles Whedbee (202) 566-3458.

Agency Contact: George H. Bradley, Staff Assistant, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 343-0231

RIN: 1545–AJ53

2642. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 28 Internal Revenue Code of 1986; 26 USC 280C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: These regulations will amend the Income Tax Regulations to conform the regulations to sections 28 and 280C of the Internal Revenue Code of 1986, relating to the credit for clinical testing expenses for rare diseases or conditions. The regulations will provide the public with the guidance needed to comply with the law and will affect taxpayers seeking to obtain the credit.

Timetable:

Action	Date	FR Cite
NPRM	04/23/85	50 FR 15930
NPRM Comment Period End	06/24/85	50 FR 15930
Final Action T.D. 8232	10/03/88	53 FR 38708
Final Action Effective	10/03/88	53 FR 38708

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-55-83.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: John B. Bromell (202) 377-9471.

Office of Tax Legislative Counsel Reviewing attorney: Susan

Himes (202) 566-8527.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3822

RIN: 1545–AF64

2643. INCOME TAX--NOTICE TO EMPLOYEES OR EARNED INCOME CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 99-514,; 26 USC 6051 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide the procedures necessary to implement the statutory requirement that employers noting certain employees whose wages are not subject to income tax withholding that they may be eligible for the refundable earned income credit.

Timetable:

Action	Date	FR Cite
NPRM	06/11/87	52 FR 22345
NPRM Comment Period End	08/10/87	
Final Action T.D. 8222	08/24/88	53 FR 32219

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-99-86

Drafting attorney: Joel S. Rutstein (202) 566-4509.

Reviewing attorney: John B. Bromell (202) 377-9471.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4509

RIN: 1545–AJ44

2644. INCOME TAX--TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 38 Internal Revenue Code of 1986; 26 USC 46 Internal Revenue Code of 1986; 26 USC 47 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	12/20/85	50 FR 51874
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-92-73.

Drafting attorney: Richard Blumenreich (202) 566-3292.

Reviewing attorney: William Dwyer (202) 566-6511.

Investment Tax Credit.

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AA10

2645. INCOME TAX--INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 48 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	06/28/85	50 FR 26794
NPRM Comment Period End	08/27/85	
Hearing	11/15/85	
Final Action T.D. 8233	10/11/88	53 FR 39589

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-238-81.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Susan Himes (202) 566-8527.

Investment Tax Credit

Agency Contact: Richard Blumenreich, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3292

RIN: 1545–AA12

2646. CORPORATE ALTERNATIVE MINIMUM TAX BOOK INCOME ADJUSTMENT

Legal Authority: 26 USC 55 Internal Revenue Code of 1986; 26 USC 56(c)(1) Internal Revenue Code of 1986; 26 USC 56(f) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will describe rules for the computation of the alternative minimum net book income adjustment imposed on corporations.

Timetable:

Action	Date	FR Cite
NPRM	04/28/87	52 FR 15339
NPRM Comment Period End	06/29/87	
Closed merged with IA-55-87	08/26/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-107-86.

Drafting attorney: Nicholas Bogos (202) 566-3862.

Reviewing attorney: William A. Galanko (202) 566-3862.

Treasury attorney: Mark Levy (202) 535-6966.

Agency Contact: Nicholas Bogos, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3862

RIN: 1545–AJ14

2647. INCOME TAX--NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 61 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax

exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	43 FR 4638
NPRM Comment Period End	04/04/78	43 FR 4638
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Closed Merged into EE-87-88.	09/01/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-194-77.

Drafting attorney: John A. Tolleris (202) 566-3060.

Reviewing attorney: A. Thomas Brisendine, (202) 566-3060.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3060

RIN: 1545–AA35

2648. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	40 FR 36371
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-9-75.

Drafting attorney: David McMunn (202) 566-6682.

Reviewing attorney: Charles Ramsey (202) 566-6682.

Tax Exempt Bonds

Agency Contact: David McMunn, Tax Law Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-6682

RIN: 1545–AK10

2649. INCOME TAX--PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 120 Internal Revenue Code of 1986; 26 USC 501 (c) (20) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	45 FR 28360
Hearing	09/04/80	
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-5-78.

Drafting attorney: Monice Rosenbaum (202) 566-3505.

Reviewing attorney: James L. Brokaw (202) 566-3496.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3505

RIN: 1545–AD62

2650. EXEMPT BONDS FOR RESIDENTIAL RENTAL PROJECTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 142 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation provides rules concerning qualified residential rental projects.

Timetable:

Action	Date	FR Cite
Closed duplicate of RIN 1595-AJ66	01/12/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: FI-089-86

Drafting attorney: Susan E. Overlander (202) 566-3458.

Reviewing attorney: Alice Bennett (202) 566-3287.

Treasury attorney: Elliot Stern (202) 566-2926.

13 Income Tax

Agency Contact: Susan E. Overlander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545–AM04

2651. PRACTICAL CAPACITY

Legal Authority: 26 USC 263A Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations provide guidance on specific issues relating to when section 263A applies and whether certain accounting principles are permitted in accounting for the costs of property produced or property acquired for resales.

Timetable:

Action	Date	FR Cite
NPRM	08/07/87	52 FR 29391
NPRM Comment Period End	10/06/87	
Closed without regulations merged into IA-168-86	08/09/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: LR-37-87

Drafting attorney: Paulette C. Galanko (202) 566-3731.

Reviewing attorney: John M. Fischer (202) 566-8131.

Treasury attorney: Thomas Evans (202) 566-8277.

Agency Contact: Paulette Galanko, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3731

RIN: 1545–AK56

2652. INCOME TAX--DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 274 (b) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property). The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	47 FR 56367
Final Action T.D. 8230 (Final)	09/20/88	53 FR 36450

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-252-81.

Drafting attorney: Christopher Wilson (202) 566-4945.

Reviewing attorney: John B. Bromell (202) 377-9471.

Treasury attorney: Susan Himes (202) 566-8527.

Agency Contact: Christopher Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4945

RIN: 1545–AB06

2653. LEASED PROPERTY UNDER SECTION 280F

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 280F Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides inclusion amounts for listed property leased after December 31, 1986.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8218	08/09/88	53 FR 29881

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: LR-1-88

Drafting attorney: Joel Rutstein (202) 566-4509.

Reviewing attorney: Sharon Galm (202) 566-3326.

Treasury attorney: John Parcell (202) 535-6965.

13 Income Taxes

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4509

RIN: 1545–AL42

2654. INCOME TAX--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the international context.

Timetable:

Action	Date	FR Cite
NPRM	02/12/86	51 FR 5208
NPRM Comment Period End	04/14/86	
Closed and transferred to CC:INTL	12/21/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: CO-35-84.

Drafting attorney: Ken Allison (202) 566-6457.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Agency Contact: Ken Allison, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., 20224, 202 566-6457

RIN: 1545–AG13

2655. CERTAIN STOCK PURCHASES TREATED AS ASSET ACQUISITIONS-FOREIGN IMPLICATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 338 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Finalize and simplify international section 338 regulations.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-033-86

Drafting attorney: Kenneth Allison (202) 566-6457.

Reviewing attorney: Benedetta Kissel (202) 566-3179.

Treasury attorney: Unassigned.

13 Income Taxes.

Agency Contact: Kenneth Allison, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AL95

2656. INCOME TAX--DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 355 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	42 FR 3866
Final Action T.D. 8238	01/05/89	54 FR 283

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CO-936-70

Drafting attorney: Richard McManus (202) 566-3422.

Reviewing attorney: Charles M. Whedbee (202) 566-3280.

Treasury attorney: Bryan Collins (202) 566-4979.

Agency Contact: Richard McManus, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545–AB20

2657. TRANSFER OF INTANGIBLES SUBJECT TO SECTION 367 OR 482 OF THE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Prior to the Reform Act of 1986, U.S. taxpayers were able to shift income out of the U.S. by transferring intangibles to Section 936 possessions corporations, contributing intangibles to related foreign corporations in Section 367 transactions or selling or licensing intangibles to related foreign parties at less than arm's-length prices and transactions subject to section 482. Valuing such transfers (at the time of transfer) has proven to be difficult and non-productive. The Reform Act of 1986 provides that payments to be received by the transferor of intangibles must be commensurate with the income from the intangible. Major issue - What portion of the income from the intangible will constitute "commensurate"? Provisions will raise large amounts of revenue.

Timetable:

Action	Date	FR Cite
Closed Without Regulations	10/31/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-937-86

Drafting attorney: Bobby D. Burns (202) 287-4851.

Reviewing attorney: George Sellinger (202) 287-4851.

Treasury attorney: Mark Beams (202) 566-0247.

Agency Contact: Bobby D. Burns, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 950 L'Enfant Plaza South, S.W., Room 3319, Washington, D.C. 20024, **202 287-4851**

RIN: 1545–AJ91

2658. NOTICE, ELECTION, AND CONSENT RULES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 602

Legal Deadline: None

Abstract: The regulations would provide rules relating to notices, elections and consents required under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Final Action T.D. 8219	08/22/88	53 FR 31837

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-35-85.

Drafting attorney: William D. Gibbs (202) 566-3060

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway (202) 566-8277.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AH80

2659. INCOME TAX--TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 402 (a) (2) Internal Revenue Code of 1986; 26 USC 402 (e) Internal Revenue Code of 1986; 26 USC 403 (a) (2) (A) (iii) Internal Revenue Code of 1986; 26 USC 411 (d) (1) Internal Revenue Code of 1986; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
Corrected NPRM	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	40 FR 18798
Notice of Hearing	07/03/75	40 FR 28102
Hearing	08/12/75	
NPRM - Additional	05/31/79	44 FR 31228
Comment Period until	07/30/79	44 FR 31228
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-14-78.

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111

Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AD73

2660. INCOME TAX--COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 411 (d) (1) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial Revised Notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-164-78.

Drafting attorney: Marjorie Hoffman (202) 566-4747.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4747**

RIN: 1545–AD83

2661. SURVIVOR BENEFITS, DISTRIBUTION RESTRICTIONS AND VARIOUS OTHER ISSUES UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules relating to the effective dates, transitional rules, restrictions on distributions from employee plans and other issues arising under the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/19/85	50 FR 29436
NPRM Comment Period End	09/17/85	50 FR 29436
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-3-85

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway (202) 566-8277.

This is included in the Regulatory Program of the United States under overall RIN 1545-AH71.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AH01

2662. JOINT AND SURVIVOR ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 417 Internal Revenue Code of 1986; 26 USC 401 (a) (11) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide rules on how plans which intend to qualify under section 401 can comply with the qualified joint and survivor annuity rules added to the Code by the Retirement Equity Act of 1984. The regulations will deal with which plans must provide survivor annuities, in what forms the survivor annuities may be paid, the notice and election procedures for survivor annuities and restrictions on a plan's ability to cash out a participant and spouse.

Timetable:

Action	Date	FR Cite
NPRM	10/22/82	47 FR 47600
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: EE-94-84.

Drafting attorney: William D. Gibbs (202) 566-3060.

Reviewing attorney: Richard J. Wickersham (202) 566-4621.

Treasury attorney: Harry J. Conaway (202) 566-8277.

NPRM published under EE-52-78; contents of file transferred to EE-94-84.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3060**

RIN: 1545–AG72

2663. ● STOCKHOLDER APPROVAL OF INCENTIVE STOCK OPTION AND EMPLOYEE STOCK PURCHASE PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 422A Internal Revenue Code of 1986; 26 USC 423 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 14a

Legal Deadline: None

Abstract: These regulations contain amendments to the Income Tax Regulations (26 CFR Part 1) under section 432 of the Internal Revenue Code of 1954, relating to employee stock purchase plans, and to the Temporary Income Tax Regulations Relating to Incentive Stock Options (26 CFR Part 14a) under section 422A of the Code. These amendments prescribe the method and degree of stockholder approval necessary to qualify a plan under sections 423 and 422A.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8235	12/02/88	53 FR 48639

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-053-86

Drafting attorney: Michael Grace (202) 566-6460.

Reviewing attorney: Michael Grace (202) 566-6460.

Treasury attorney: John Parcell (202) 535-6965.

Agency Contact: Michael Grace, Attorney, Department of the Treasury,

Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6460

RIN: 1545–AM93

2664. CERTAIN INDEBTEDNESS TREATED AS PAYMENT ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 453C Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance with respect to the requirement that certain indebtedness of a taxpayer be treated as a payment on certain installment obligations held by the taxpayer.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8224	09/08/88	53 FR 34716

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-93-86

Drafting attorney: Phyllis Harvey (202) 566-4440.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Ellen Aprill (202) 566-2565.

Agency Contact: Phyllis Harvey, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4440

RIN: 1545–AJ27

2665. TRANSITIONAL RULES RELATING TO INDEBTEDNESS TREATED AS PAYMENT ON INSTALLMENT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations will provide guidance to taxpayers in applying special rules concerning the treatment of certain installment obligations.

Timetable:

Action	Date	FR Cite
Closed Without regulations	11/21/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-20-87

Drafting attorney: Phyllis Haney (202) 566-4440.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Treasury attorney: Ellen Aprill (202) 566-2567.

Agency Contact: Phyllis Haney, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4440

RIN: 1545–AK54

2666. INVENTORY COMPUTED BY USE OF CONSUMER OR PRODUCER PRICE INDEXES

Legal Authority: 26 USC 472 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The proposed regulations would provide examples and further clarification of the existing regulations.

Timetable:

Action	Date	FR Cite
Closed without Regulations	02/19/85	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-57-83.

Drafting attorney: Arthur E. Davis (202) 377-9581.

Reviewing attorney: Cynthia Clark (202) 566-6302.

Agency Contact: Arthur E. Davis III, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 377-9581

RIN: 1545–AF65

2667. SIMPLIFIED DOLLAR-VALUE LIFO METHOD FOR CERTAIN SMALL BUSINESSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 0474 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations would provide guidance to certain small businesses that are eligible to elect a simplified dollar- value LIFO method of inventory valuation. This method requires the use of published government indexes.

Timetable:

Action	Date	FR Cite
Merged with RIN 1545-AK64	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-30-87

Drafting attorney: Richard O. Davis (202) 343-2383.

Reviewing attorney: Eric Pleet (202) 566-3261.

Treasury accountant-advisor: Marc Levy (202) 535-6966.

Agency Contact: Richard O. Davis, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 343-2383

RIN: 1545–AK65

2668. INCOME TAX--PROCEDURE & ADMINISTRATION--FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 679 Internal Revenue Code of 1986; 26 USC 678 (b) Internal Revenue Code of 1986; 26 USC 643 (a) Internal Revenue Code of 1986; 26 USC 643 (c) (6) (C) Internal Revenue Code of 1986; 26 USC 643 (c) (6) (D) Internal Revenue Code of 1986; 26 USC 643 (d) Internal Revenue Code of 1986; 26 USC 6048 Internal Revenue Code of 1986; 26 USC 6677 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1; 26 CFR 301

Legal Deadline: None

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an

owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/31/86	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-187-76.

Drafting attorney: Fred E. Grundeman (202) 535-9512.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 535-9512**

RIN: 1545–AB79

2669. TO PROVIDE SPECIAL RULES CONCERNING RELATED PARTY LOANS IN THE CASE OF PARTNERSHIP ALLOCATIONS ATTRIBUTABLE TO NONRECOURSE DEBT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project will provide regulations relating to loans made to a partnership by a person related to a partner of the partnership.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-30-86.

Drafting attorney: Unassigned.

Reviewing attorney: John B. Bromell (202) 566-4320.

Treasury attorney: Greg Marich (202) 566-2927.

Agency Contact: John E. Bromell, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, **202 566-4320**

RIN: 1545–AI66

2670. ● TREATMENT OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These regulations revise the Income Tax Regulations under Section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8237	12/30/88	53 FR 53140

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-091-88

Drafting attorney: Mary A. Munday (202) 377-9470.

Reviewing attorney: Dianna A. Miosi (202) 566-4070.

Partners and Partnerships

Agency Contact: Mary A. Munday, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 377-9470**

RIN: 1545–AM77

2671. CALIFORNIA FRANCHISE TAX AND SECTION 1.861-8 ALLOCATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 861 Internal Revenue Code of 1986; 26 USC 862 Internal Revenue Code of 1986; 26 USC 863 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Clarification of allocation of deduction for state income and franchise taxes. Provides guidance in situations not addressed by current examples in regulations.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8236	12/12/88	53 FR 49873

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-078-87

Drafting attorney: David F. Chan (202) 634-5404.

Reviewing attorney: T. Timothy Tuerff (202) 566-3896.

Treasury attorney: Peter Barnes (202) 566-5815.

13 Income Taxes.

Agency Contact: David F. Chan, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5404**

RIN: 1545–AM09

2672. ALLOCATION AND APPORTIONMENT OF INTEREST EXPENSE AND CERTAIN OTHER EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 864 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Temporary regulations providing rules for affiliated group allocation and apportionment of expenses other than interest that are not traceable to specific income producing activities or property of corporation.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8228	09/14/88	53 FR 35467

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: INTL-976-86

Drafting attorney: Carl M. Cooper (202) 634-5406.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-2964.

13 Income Taxes.

Agency Contact: Carl M. Cooper, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM21

2673. ALLOCATION AND APPORTIONMENT OF EXPENSES

Significance: Regulatory Program

Legal Authority: 26 USC 861 (b) Internal Revenue Code of 1986; 26 USC 863 (b) Internal Revenue Code of 1986; 26 USC 864 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations provide rules relating to the allocation and apportionment of expenses, including interest expense for purposes of the foreign tax credit rules and other international tax provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/11/87	52 FR 4580
NPRM Comment Period End	10/26/87	
Hearing	11/13/87	
Closed without regulations.	09/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-935-86

Drafting attorney: David Merrick (202) 566-6276.

Reviewing attorney: Charles Saverude (202) 377-9060.

Treasury attorney: Mark Beams (202) 566-8275.

13 Income Tax

Agency Contact: David Merrick, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6276

RIN: 1545–AL21

2674. EXEMPTIONS FROM WITHHOLDING OF NRA'S AND FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 871(i) Internal Revenue Code of 1986; 26 USC 881(d) Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Implement regulations concerning exemptions from withholding of non-resident aliens and foreign corporations under sections 871(i) and 881(d) of the Code. Specifically, the proposed regulation will address the individual or corporation that meets the 80 percent foreign business requirements for active foreign business income.

Timetable:

Action	Date	FR Cite
Closed without regulations.	07/11/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-951-86

Drafting attorney: Riea M. Lainoff (202) 566-6645.

Reviewing attorney: Christine Halphen (202) 566-6645.

Treasury attorney: Mary Bennett (202) 566-5992.

Agency Contact: Riea M. Lainoff, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-6645

RIN: 1545–AJ59

2675. BRANCH PROFITS TAX (GENERAL RULE AND DEFINITIONS) AND SECOND LEVEL WITHHOLDING TAXES (TEMPORARY REGULATIONS)

Significance: Regulatory Program

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 884 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations will provide guidance on the calculation of the branch profits tax. The regulations will provide rules for the treatment of interest allocable to effectively connected income.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8223.	09/02/88	53 FR 34045

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: INTL-979-86

Drafting attorney: Richard M. Elliott (202) 566-6457.

Reviewing attorney: Benedetta A. Kissel (202) 566-3179.

Treasury attorney: Peter Daub (202) 566-5791.

13 Income taxes.

Agency Contact: Richard M. Elliott, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6457

RIN: 1545–AJ77

2676. ● LIMITATION OF FOREIGN TAX CREDIT FOR FOREIGN OIL AND GAS TAXES (TEMPORARY REGULATIONS)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 907 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: Proposal would amend regulations under section 907 relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8240	01/23/89	54 FR 3004

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: INTL-527-88

Drafting attorney: Richard Chewning (202) 566-6384.

Reviewing attorney: Charles C. Saverude (202) 566-6645.

Treasury attorney: Peter Barnes (202) 566-8275.

13 Income taxes.

Agency Contact: Richard Chewning, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., 202 566-6384

RIN: 1545–AM52

2677. PROFIT AND LOSS TRANSITION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 787 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This project provides transition rules for those foreign branches of United States entities who used a profit and loss method of accounting prior to the enactment of the Tax Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8220	08/25/88	53 FR 32384

Small Entities Affected: None

Government Levels Affected: None

Additional Information: INTL-392-88

Drafting attorney: David Rosenberg (202) 634-5406.

Reviewing attorney: Robert Katcher (202) 634-5406.

Treasury attorney: David Crowe (202) 634-5791.

13 Income Taxes.

Agency Contact: David Rosenberg, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 634-5406**

RIN: 1545–AM14

2678. INCOME TAX--CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1361 Internal Revenue Code of 1986; 26 USC 1362 Internal Revenue Code of 1986; 26 USC 1377 Internal Revenue Code of 1986; 26 USC 1378 Internal Revenue Code of 1986; 26 USC 1379 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	48 FR 03637
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-1-83.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Thomas Hines (202) 566-6813.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Income Tax

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3822**

RIN: 1545–AF30

2679. APPLICATIONS FOR EXEMPTION FROM SELF-EMPLOYMENT TAXES FOR MINISTERS, ETC

Legal Authority: 26 USC 1402 (e) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation will provide guidance with respect to applications for exemption from self-employment taxes under section 1402 (e) for ministers, members of a religious order and Christian Science practitioners.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/87	53 FR 33460
NPRM	04/15/87	52 FR 12194
NPRM Comment Period End	06/15/87	52 FR 12194
Final Action T.D. 8221	08/31/88	53 FR 33460

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-154-86

Drafting attorney: Robert E. Shaw (202) 343-8459.

Reviewing attorney: John Bromell (202) 566-4320.

Treasury attorney: Harry Conaway (202) 566-8277.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, **202 343-8459**

RIN: 1545–AJ94

2680. ADJUSTMENT REFLECTING A RESTRUCTURING OF A CONSOLIDATED GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 1502 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: This regulation provides rules for determining the basis and the earnings and profits of members of a consolidated group following certain changes in the structure of the group, where the group remains in existence. This regulation also provides for alternative agents of the group if the common parent ceases to be the common parent.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8226	09/08/88	53 FR 34729

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-12-88

Drafting attorney: Rose Williams (202) 566-4324.

Reviewing attorney: Marc Blumkin (202) 566-3877.

Treasury attorneys: Thomas Wessel (202) 566-2927 and Bryan Collins (202) 566-2175.

13 Income Tax

Agency Contact: Rose Williams, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-3354**

RIN: 1545–AL61

2681. GASOLINE EXCISE TAX BOND REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4101 Internal Revenue Code of 1986

CFR Citation: 26 CFR 48

Legal Deadline: None

Abstract: These regulations will provide rules relating to the bond requirements under section 4101 as it pertains to gasoline excise tax.

Timetable:

Action	Date	FR Cite
Final Action Effective	04/01/88	
Final Action T.D. 8231	09/27/88	53 FR 37552

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-60-88

Drafting attorney: Ruth Hoffman (202) 566-4475.

Reviewing attorney: Dick Kocak (202) 566-3434.

Treasury attorney: Robert Scarborough (202) 566-2928.

13 Excise Tax

Agency Contact: Ruth Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-4475

RIN: 1545–AL70

2682. EXCISE TAX--WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
Closed without regulations	11/14/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-226-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AD00

2683. EXCISE TAX--INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4993 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35517
NPRM Comment Period End	11/09/84	49 FR 35517
Hearing	07/26/85	
Closed without regulations	04/11/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PS-67-80.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter W. Woo (202) 535-9545.

Withdrawal notice in signature package

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AD04

2684. EXCISE TAX--OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 4991 Internal Revenue Code of 1986; 26 USC 4992 Internal Revenue Code of 1986; 26 USC 4994 Internal Revenue Code of 1986

CFR Citation: 26 CFR 51

Legal Deadline: None

Abstract: The proposed regulations provide rules and definitions relating to oil from a stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	48 FR 2552
Closed without regulations	04/11/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-217-81.

Drafting attorney: H. Grace Kim (202) 566-4819.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bryan Collins (202) 566-2175.

Withdrawal notice in signature package

Agency Contact: H. Grace Kim, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4819

RIN: 1545–AD01

2685. ELIMINATION OF FORM 941 FILING REQUIREMENT FOR QUARTERS IN WHICH SEASONAL EMPLOYERS PAY NO WAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: Regulations would direct the public to the instructions to Form 941 to find exceptions to the filing requirements of the form for seasonal and intermittent employers with respect to quarters in which no wages were paid.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8229	09/15/88	53 FR 35881

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-57-86.

Drafting attorney: Joel S. Rutstein (202) 566-4509.

Reviewing attorney: John B. Bromell (202) 377-9471.

Agency Contact: Joel S. Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, DC 20224, 202 566-4509

RIN: 1545–AI56

2686. NOMINEE REPORTING OF PARTNERSHIP INFORMATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6031 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: These temporary regulations will provide rules relating to nominee reporting of partnership interest which such nominee holds for another person. The regulations will provide the information that the nominee is required to provide and will also provide the manner in which this information is to be reported to the partnership.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8225	09/07/88	53 FR 34488

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-155-86.

Drafting attorney: Stuart G. Wessler (202) 566-3822.

Reviewing attorney: Walter H. Woo (202) 535-9545.

Office of Tax Legislative Counsel Reviewing attorney: Greg Marich (202) 566-4979.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3822

RIN: 1545–AJ97

2687. TREATMENT OF NET CAPITAL LOSSES OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS-RELATIONSHIPS BETWEEN CHAPTER 44 EXCISE TAXES AND TAXABLE INCOME

Legal Authority: 26 USC 852(b)(3) Internal Revenue Code of 1986; 26 USC 857(b)(3) Internal Revenue Code of 1986; 26 USC 7805 Internal Revenue Code of 1986

CFR Citation: 26 CFR 1

Legal Deadline: None

Abstract: The regulation would establish rules pertaining to the relationship and effect of net capital losses of RICs and REIT's attributable to transactions after the cut-off date for capital transactions and the taxable income if the entity for the subsequent taxable year.

Timetable:

Action	Date	FR Cite
Closed without regulations	11/09/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: FI-116-86.

Drafting attorney: Lauren G. Shaw (202) 566-3828.

Reviewing attorney: William E. Coppersmith (202) 566-3336.

Treasury attorney: J. Judge Kelley (202) 566-2175.

Agency Contact: Lauren G. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545–AJ04

2688. TIME AND MANNER OF MAKING QUARTERLY PAYMENTS OF THE RAILROAD UNEMPLOYMENT REPAYMENT TAX (NPRM)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6157 Internal Revenue Code of 1986; 26 USC 6011 Internal Revenue Code of 1986; 26 USC 6071 Internal Revenue Code of 1986; 26 USC 6302 Internal Revenue Code of 1986

CFR Citation: 26 CFR 31

Legal Deadline: None

Abstract: The regulations will provide rules with respect to the time and manner of making quarterly payments of the railroad repayment tax.

Timetable:

Action	Date	FR Cite
NPRM	11/05/86	
NPRM Comment Period End	01/05/87	
Final Action T.D. 8227	09/08/88	53 FR 34734

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-12-86.

Drafting attorney: Joel Rutstein (202) 566-4509.

Reviewing attorney: John B. Bromell (202) 377-9471.

Treasury attorney: Jud Kelley (202) 535-2175.

Duplicate of RIN 1545-AI73

Agency Contact: Joel Rutstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4509

RIN: 1545–AI60

2689. STATEMENT OF PROCEDURAL RULES TO PROVIDE PROCEDURES FOR PARTNERSHIP-LEVEL PROCEEDINGS WITH RESPECT TO PARTNERSHIP ITEMS

Legal Authority: 5 USC 3011 Internal Revenue Code of 1986; 5 USC 6111 Internal Revenue Code of 1986

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: The amendment of the Statement of Procedural Rules will provide procedures for partnership-level proceedings with respect to partnership items.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/05/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-237-82.

Drafting attorney: Robert E. Shaw (202) 343-8459.

Reviewing attorney: Paul A. Francis (202) 566-3218.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 343-8459

RIN: 1545–AI08

TREAS—IRS

Completed Actions

2690. ELECTRONIC FILING OF NOTICE OF FEDERAL TAX LIEN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 26 USC 6323 Internal Revenue Code of 1986

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: The regulation clarifies that the term "Form 668" as used in section 6323 (f) (3) of the Code includes a notice of federal tax lien filed by the use of an electronic or magnetic medium where the law of the state in which a notice of Federal tax lien is filed permits such method of filing.

Timetable:

Action	Date	FR Cite
NPRM	02/23/88	53 FR 5279
Final Action Effective	02/23/88	
NPRM Comment Period End	04/25/88	53 FR 5279
Final Action T.D. 8234	11/25/88	53 FR 47675

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-39-87

Drafting attorney: Ada S. Rousso (202) 566-4104.

Reviewing attorney: Ada S. Rousso (202) 566-4104.

Treasury attorney: Patricia McClanahan (202) 566-2926.

Agency Contact: Ada S. Rousso, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, **202 566-4104**

RIN: 1545–AK96

2691. PROCEDURE AND ADMINISTRATION--REDUCTION OF TAX OVERPAYMENTS BY AMOUNT OF PAST-DUE LEGALLY ENFORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 31 USC 3720A

CFR Citation: 26 CFR 301

Legal Deadline: None

Abstract: These regulations will amend regulations published September 30, 1985. The regulations will provide a new effective date for those regulations.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8239	01/06/89	54 FR 400

Small Entities Affected: None

Government Levels Affected: None

Additional Information: IA-17-88

Drafting attorney: Sharon L. Hall (202) 566-4811.

Reviewing attorney: David Dickinson (202) 535-9543.

Treasury attorney: Barksdale Penick (202) 535-6964.

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Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue N.W., Washington, D.C. 20224, **202 566-4811**

RIN: 1545–AK45

2692. INCOME TAX--MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1986; 46 USC 1177 Merchant Marine Act of 1936; 26 USC 7518 Internal Revenue Code of 1986

CFR Citation: 26 CFR 3

Legal Deadline: None

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period End	03/29/76	41 FR 04280
Hearing	07/07/76	
Closed without regulations	04/11/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: PS-149-75.

Drafting attorney: Patrick T. McGroarty (202) 566-6321.

Reviewing attorney: James Ranson (202) 566-4944.

Agency Contact: Patrick T. McGroarty, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-6321**

RIN: 1545–AD46

2693. STATEMENT OF PROCEDURAL RULES--AMENDMENTS TO STATEMENT OF PROCEDURAL RULES--1981-1

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Legal Deadline: None

Abstract: Semi-annual update of the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Closed by Memorandum	09/30/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LR-154-81.

Paralegal Specialist: Carroll Field (202) 566-3935.

Agency Contact: Carroll Field, Paralegal Specialist, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3935**

RIN: 1545–AD55

[FR Doc. 89-7104 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XVI

Department of Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Department of Veterans Affairs.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs will have under review, development, or revision during the 12-month period from April 1989 to April 1990. The purpose in publishing this Agency's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Paperwork Management and Regulations Service (731), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: 38 CFR: M'Liz McLendon, (202) 233-3770; 48 CFR, Chapter 8: Sunny Huff, (202) 233-4240.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year an agenda of regulations under development and review.

The Department of Veterans Affairs has no regulations considered major under the terms of Executive Order 12291; however, all of this Agency's proposed rules and current rules under review, except those considered to be internal agency policy management or routine regulations, have been listed in accordance with section 5(a) of the Executive Order.

This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) of the Regulatory Flexibility Act.

Because of printing deadlines, the regulatory agenda submission of the Veterans Administration was completed prior to March 15, 1989, the effective date of the redesignation of the Veterans Administration as the Department of Veterans Affairs in the Executive Branch of Government. Therefore, this preamble was approved at the direction of the Acting Administrator of the Veterans Administration; however, nomenclature and titles in this agenda reflect the redesignations.

This agenda has been prepared in accordance with OMB Bulletin 89-02.

Dated: February 21, 1989.
By direction of the Acting Administrator.
Linda M. Combs,
Acting Associate Deputy Administrator for Management.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2694	Disposition of Veteran's Personal Funds and Effects on Facility upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Facility	2900-AB61
2695	Transportation of Claimants and Beneficiaries	2900-AC70
2696	Grants to States for State Extended Care Facilities	2900-AD16
2697	Expanded Eligibility for 30-40 Percent Service-Connected Veterans	2900-AD41
2698	Treatment of U.S. Veterans Who Are Not U.S. Citizens	2900-AD45
2699	Increasing the Domiciliary Income Limitation	2900-AD46
2700	Providing Emergency Hospital Care to Community Nursing Home Patients	2900-AD47
2701	Operation of Child Care Centers at VA Facilities	2900-AD48
2702	Nondiscrimination Against Alcohol and Drug Abusers and Persons Infected with HIV	2900-AD49
2703	Confidential Quality Assurance Program Records and Documents	2900-AD73
2704	Employee Fiduciaries	2900-AB50
2705	1. Veterans Services Officer (VSO) to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
2706	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
2707	Veterans Education; Federal Equal Opportunity Laws	2900-AC52
2708	Extension of Time Limit for Claims	2900-AC61
2709	Compliance with Civil Rights Provisions	2900-AC72
2710	Training Outside of State Under 38 CFR 21.130	2900-AC73
2711	Loans to Purchase Manufactured Homes	2900-AC85
2712	VA Home Loan Credit Standards; New SAH Grant	2900-AC90
2713	Definition of Fraud	2900-AD19
2714	Due Process	2900-AD27
2715	Placing Use of the Vocational Rehabilitation Panel on a Discretionary Basis	2900-AD29
2716	Assumption of VA Guaranteed Loans	2900-AD30
2717	Processing of VA Appraisals by Designated Lenders	2900-AD31
2718	Qualification Requirements for Department of Veterans Affairs Fee Appraisers	2900-AD32
2719	Requirements for Nonsupervised Automatic Lenders	2900-AD33
2720	Allowable Fees and Charges for Department of Veterans Affairs Guaranteed Loans	2900-AD34
2721	Full Disclosure of Beneficiary's Income and Assets	2900-AD35
2722	Payment of Guaranty Claims	2900-AD39
2723	Veterans Education; Restrictions on Making VEAP Payments to Servicepersons	2900-AD62

VA

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2724	Veterans Education; Veterans Employment, Training and Counseling Amendments of 1988	2900-AD63
2725	Optional Settlements on Insurance--Calculations	2900-AD65
2726	Reservists Education; Veterans' Benefits and Services Act of 1988 and the Montgomery GI Bill	2900-AD68
2727	Authority of Fiduciaries to Conduct Insurance Transactions	2900-AD74
2728	Verbal Authorization of Premium Actions	2900-AD75
2729	Extension of the Temporary Program of Vocational Training	2900-AD76
2730	Extension of Eligibility Because of the Disabling Effects of Chronic Alcoholism	2900-AD77
2731	Extension of the Temporary Program for Trial Work Period and Rehabilitation	2900-AD78
2732	On Job Training in Non-Federal Agencies on a Nominal Pay Basis	2900-AD79
2733	Use of For-Profit Agencies	2900-AD80
2734	Veterans Education; State Approving Agencies and the Montgomery GI Bill-Selected Reserve	2900-AD81
2735	Dependents Education; Eligibility of Stepchildren	2900-AD82
2736	Veterans Education; The Veterans Benefits and Programs Improvement Act and Montgomery GI Bill	2900-AD83
2737	Veterans and Dependents Education; The Veterans' Benefits and Programs Improvement Act	2900-AD84
2738	Veterans Education; The Veterans' Benefits and Programs Improvement Act and VEAP	2900-AD85
2739	Veterans Education; State Approving Agencies and VEAP	2900-AD88
2740	Reservists Education; The Veterans Benefits and Programs Improvement Act and Montgomery GI Bill	2900-AD89
2741	Implementation of Pub. L. 100-198 Concerning Changes in Amount of Entitlement, Calculation of Guaranty Amount, Occupancy Requirements, and Requirements for Refinancing Loans	2900-AD91
2742	Require Holder to Retain Records for One Year; Eliminate Minimum Property Standards	2900-AD92
2743	Loan Guaranty: Determination of Net Value	2900-AD93
2744	Waiver/Compromise of Debts Established as Result of Foreclosure	2900-AD94
2745	Independent Medical Opinions	2900-AD96
2746	Exclusions from Income	2900-AD97
2747	Benefits at DIC Rates in Certain Cases When Death is Not Service-Connected	2900-AD98
2748	Definition of Marginal Employment	2900-AD99
2749	Appeals Regulations and Rules of Practice; Cutoff Date for Acceptance of Evidence	2900-AD14
2750	Committee on Waivers and Compromises	2900-AD50
2751	Nondiscrimination on the Basis of Sex Under Federally Assisted Education Programs and Activities	2900-AB51
2752	Nondiscrimination on the Basis of Handicap in Federally Assisted Programs and Activities	2900-AB87
2753	Inventions by Employees of the Department of Veterans Affairs, Authority Delegations	2900-AD51
2754	Suits Against Department of Veterans Affairs Employees	2900-AD72

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2755	Community Residential Care	2900-AB32
2756	Quality Assurance Confidentiality	2900-AC27
2757	Contract Medical Care	2900-AC31
2758	Department of Veterans Affairs Health Professional Scholarship Program	2900-AC66
2759	Eligibility for Dental Care for Former POWs	2900-AD43
2760	Recreation Facilities to be Considered Department of Veterans Affairs Facilities	2900-AD44
2761	Claims Based on Exposure to Ionizing Radiation or Dioxin	2900-AB64
2762	Employment Services for Certain Eligible Veterans	2900-AB89
2763	Determining Entitlement Usage Under the Vocational Rehabilitation Program	2900-AC08
2764	1. Apportionment of Benefits to Dependents 2. Payment of Cost of Veteran's Maintenance in Institution 3. Recommendation for Payment	2900-AC10
2765	Providing an Initial Evaluation for a Veteran not Residing in a State	2900-AC46
2766	Procedural Due Process	2900-AC54
2767	Veterans Education; Amendments Needed to Implement Pub. L. 99-576	2900-AC76
2768	Suspension of Individual Employees of Manufactured Home Dealers	2900-AC83
2769	Diseases Subject to Presumptive Service-Connection	2900-AD53
2770	Determination of Service-Connection for Impaired Hearing	2900-AD54
2771	Veterans Education; Procedural Protections Following Loss of Dependent	2900-AD58
2772	Veterans Education; Payments During Breaks in Enrollment	2900-AD59
2773	Basic Eligibility Determinations: Education	2900-AD60
2774	Definition of Former Prisoner of War	2900-AD71
2775	Veterans Education; Procedural Due Process	2900-AD86
2776	Veterans Education; Eligibility for Dependents' Educational Assistance	2900-AD87

VA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2777	Combined Ratings Table	2900-AD90
2778	Department of Veterans Affairs Acquisition Regulation - Consulting Service	2900-AC86
2779	Acquisition Regulations; Construction Contracting Procedures	2900-AC87
2780	Appeals Regulations and Rules of Practice- Status of Legal Interns, Law Students and Paralegals	2900-AC11
2781	Appeals Regulations and Rules of Practice - Hearing Date	2900-AC88
2782	Release of VA Lists of Names and Addresses and Penalty Procedures for Unauthorized Use	2900-AC63
2783	Predisclosure of Confidential Commercial Information	2900-AD09

Completed Actions

Sequence Number	Title	Regulation Identifier Number
2784	Contract Medical Care	2900-AC69
2785	Automobile Allowance and Adaptive Equipment Eligibility; Devices to Overcome the Handicap of Deafness	2900-AD08
2786	Use of Educational Assistance Benefits as a Part of a Vocational Rehabilitation Program	2900-AC41
2787	Systemic Diseases, et al	2900-AC57
2788	Extension of the Independent Living Services Program	2900-AC82
2789	Veterans Education; Effect of Internal Department of Veterans Affairs Reorganization	2900-AD04
2790	Veterans Education; Increase in Rates Payable in the EATP	2900-AD23
2791	Evidence Suitable to Establish Dependents	2900-AD52
2792	Veterans Education; Waiver of the 85-15 Percent Ratio Requirement	2900-AD56
2793	Veterans Education; Forfeiture of Education Benefits	2900-AD57
2794	Veterans Education; Determination of Training Time During Nonstandard Terms	2900-AD61
2795	Veterans Special Life Insurance--"RS" Term Premiums	2900-AD64
2796	Veterans Education; Veterans' Benefits and Services Act of 1988 and the Vietnam Era GI Bill	2900-AD69
2797	Acquisition Regulations Relating to Cost Comparisons	2900-AC37
2798	Equal Access to Justice; Procedural Rules	2900-AC33
2799	Effect of General Counsel Opinions	2900-AB22
2800	Recognition of Organizations, Representatives, Agents, and Attorneys	2900-AC89
2801	Claims Under the Federal Tort Claims Act	2900-AD15
2802	Indemnification of Department of Veterans Affairs Employees	2900-AD70
2803	Protection of Archaeological Resources	2900-AC26
2804	Uniform Relocation Assistance Act for Real Property Acquisition and Federally Assisted Programs	2900-AD37

DEPARTMENT OF VETERANS AFFAIRS (VA)

Proposed Rule Stage

VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

2694. DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON FACILITY UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON FACILITY

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 12.0 to 12.24

Legal Deadline: None

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a Department of Veterans Affairs facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any Department of Veterans Affairs facility or any hospital, while being furnished care or treatment therein by the Agency will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900-AB61

VA

Proposed Rule Stage

2695. TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.100

Legal Deadline: None

Abstract: These proposed regulations will implement Section 108 of Pub. L. 100-322 which provides that the Secretary of the Department of Veterans Affairs shall make payments for travel during the fiscal year for examination, treatment or care for which the person is eligible or in connection with vocational rehabilitation provided pursuant to Chapter 31 of Title 38, United States Code.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul C. Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AC70

2696. GRANTS TO STATES FOR STATE EXTENDED CARE FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 100-322

CFR Citation: 38 CFR 17.170 to 17.177

Legal Deadline: None

Abstract: Pub. L. 100-322 changed the date of the priority list for applications from July 1 to August 15. The Secretary is provided authority to conditionally award construction grants. If a state does not complete requirements within 90 days after conditional approval, funds will be deobligated. These proposed regulations will implement that change. Construction standards in 38 CFR 17.177 are being totally reformatted, revised and updated. The veteran population in 38 CFR 17.171 Appendix A is being updated to reflect the current information. Additionally, provisions are being established to handle large grant requests where one project may exceed the annual appropriation. Requests for projects exceeding one-half the annual appropriation will receive lower priority on the list and may be partially funded if funds are available, the project ranks high enough on the priority list for Federal funds, and the State accepts a smaller grant.

Timetable:

Action	Date	FR Cite
NPRM	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Brent Baker, Chief, State Home Construction Grants, Ofc of Geriatrics and Extended Care (182C), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3679

RIN: 2900–AD16

2697. EXPANDED ELIGIBILITY FOR 30-40 PERCENT SERVICE-CONNECTED VETERANS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.60

Legal Deadline: None

Abstract: The proposed regulations will implement the provisions in Section 101 of Pub. L. 100-322 which provides that outpatient medical services on an ambulatory or outpatient basis shall be furnished to a specified group of veterans in preparation for hospital admission or to obviate the need for hospital admission.

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD41

2698. TREATMENT OF U.S. VETERANS WHO ARE NOT U.S. CITIZENS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.36

Legal Deadline: None

Abstract: The proposed regulations implement Section 105 of Pub. L. 100-322 which provides that a veteran residing in Canada, who is eligible for hospital care and medical services, is provided such care and services for a service-connected condition or as a part of a rehabilitation program under Chapter 31 of Title 38, United States Code.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD45

2699. INCREASING THE DOMICILIARY INCOME LIMITATION

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.47; 38 CFR 17.48

Legal Deadline: None

Abstract: The proposed regulations implement Section 102 of Pub. L. 100-322 which provides that domiciliary care may be provided to veterans whose incomes do not exceed the maximum applicable rate of pension for a veteran in need of regular aid and attendance.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD46

VA

Proposed Rule Stage

2700. PROVIDING EMERGENCY HOSPITAL CARE TO COMMUNITY NURSING HOME PATIENTS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.506(3)

Legal Deadline: None

Abstract: These proposed regulations implement Section 104 of Pub. L. 100-322 which provides that hospital care for the treatment of medical emergencies is authorized for veterans receiving care in a community nursing home until such time as the veteran can be safely transferred to an Agency facility.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD47

2701. OPERATION OF CHILD CARE CENTERS AT VA FACILITIES

Legal Authority: PL 100-322, Sec 412

CFR Citation: 38 CFR 17.162, (New)

Legal Deadline: None

Abstract: Section 412 of Pub. L. 100-322 authorizes the Veterans Canteen Service to operate child care centers at Agency facilities. The centers will be established based on the demand for care and to the extent that such operation is practical and in the best interest of the Agency. The centers will be available for the children of Agency employees and, to the extent space is available, the children of other Federal and Department of Veterans Affairs affiliated employees. Also, these centers should provide an incentive for personnel recruitment. The proposed regulations will prescribe the requirements and standards for the operation of Agency child care centers.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Brenda L. Jenkins, Administrative Dietitian (133B), Veterans Canteen Service, Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 376-8149

RIN: 2900–AD48

2702. NONDISCRIMINATION AGAINST ALCOHOL AND DRUG ABUSERS AND PERSONS INFECTED WITH HIV

Legal Authority: 38 USC 4133; PL 100-322, Sec 122

CFR Citation: 38 CFR 17.48(k)

Legal Deadline: None

Abstract: This regulation is being amended to comply with Pub. L. 100-322, section 121, which prohibits the discrimination in admission or treatment in any Agency health care facility of veterans who are eligible for treatment and who are alcohol or drug abusers or are infected with human immunodeficiency virus.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD49

2703. ● CONFIDENTIAL QUALITY ASSURANCE PROGRAM RECORDS AND DOCUMENTS

Legal Authority: 38 USC 3305; 38 USC 4151

CFR Citation: 38 CFR 17.500; 38 CFR 17.506(a); 38 CFR 17.507(a)(4); 38 CFR 17.509; 38 CFR 17.516

Legal Deadline: None

Abstract: 38 USC 3305 prohibits the Agency from designating any Quality Assurance (QA) program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. Final regulations implementing 38 USC 3305 were made effective October 22, 1982. Those regulations govern the Agency's QA program activities and records and documents which are made confidential and privileged. Proposed rules amending 38 CFR 17.500-17.534 were issued in the Federal Register on October 27, 1988, and the public comment period ended November 38, 1988. One commenter suggested a change to those regulations that could not be accepted by the Agency without public comment. Therefore, the Agency is proposing to reorganize the description of the continuous monitoring functions, streamline programmatic QA requirements for the medical facilities and update requirements according to new standards.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Lubran, Chief, System Review Staff (10Q), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3115

RIN: 2900–AD73

VETERANS BENEFITS ADMINISTRATION

2704. EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Legal Deadline: None

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of Department of Veterans Affairs benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AB50

2705. 1. VETERANS SERVICES OFFICER (VSO) TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Legal Deadline: None

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202; removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AB75

2706. 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN 2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Legal Deadline: None

Abstract: 38 CFR 13.57 specifies types of Department of Veterans Affairs benefits that may be paid to spouse payee. The intended change broadens the class of payments to include Department of Veterans Affairs insurance. 38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William B. Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AB76

2707. VETERANS EDUCATION; FEDERAL EQUAL OPPORTUNITY LAWS

Legal Authority: 42 USC 2000d; 20 USC 1681; 29 USC 794; 42 USC 6101

CFR Citation: 38 CFR 21.4300; 38 CFR 21.4301; 38 CFR 21.4302; 38 CFR 21.4304; 38 CFR 21.4305; 38 CFR 21.4306; 38 CFR 21.4307; 38 CFR 21.4135

Legal Deadline: None

Abstract: The Agency is proposing to rescind several regulations. These regulations concern the implementation of Title VI, Civil Rights Act of 1964 in the education programs which the Agency administers. The regulations either conflict with or repeat unnecessarily other regulations which deal with the implementation of that Act. Rescinding these regulations will eliminate any confusion in the public's perception of the way the Agency is implementing this Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AC52

2708. EXTENSION OF TIME LIMIT FOR CLAIMS

Legal Authority: 38 USC 3013

CFR Citation: 38 CFR 21.32

Legal Deadline: None

Abstract: Under current rules a veteran's request for assistance under the vocational rehabilitation program may be adversely affected if the veteran fails to timely provide information requested by the Agency even if the Agency did not inform the veteran of the time limits for providing the information requested. The agency is proposing to change these rules to extend the period during which evidence may be submitted if the Agency did not inform the veteran of the time limits for submitting the requested information.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-6496

RIN: 2900–AC61

2709. COMPLIANCE WITH CIVIL RIGHTS PROVISIONS

Legal Authority: 38 USC 1515

CFR Citation: 38 CFR 21.324

Legal Deadline: None

Abstract: Compliance with civil rights provisions require that payment of

benefits to veterans be terminated upon a finding that a veteran is attending a facility which has been found in non-compliance with applicable provisions of Part 18, Nondiscrimination in Federally Assisted Programs of the Department of Veterans Affairs. We propose to amend 38 CFR 21.324 to reflect this new requirement. This proposed regulatory amendment includes the provisions of RIN 2900-AC40, which was withdrawn from the Agenda.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: 2900-AC40, Reduction or Termination Dates of Subsistence Allowance, has been merged with this RIN.

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-6496

RIN: 2900–AC72

2710. TRAINING OUTSIDE OF STATE UNDER 38 CFR 21.130

Legal Authority: 38 USC 1514

CFR Citation: 38 CFR 21.130

Legal Deadline: None

Abstract: The provision of training outside a State is subject to certain limitations not applicable to training pursued within the United States. The Agency is proposing to amend these provisions in the case of veterans who wish to become employed outside the United States. The purpose of the change is to help assure that vocational rehabilitation services lead to suitable employment given the special problems inherent in providing vocational rehabilitation programs outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-6496

RIN: 2900–AC73

2711. LOANS TO PURCHASE MANUFACTURED HOMES

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4202; 38 CFR 36.4204; 38 CFR 36.4222; 38 CFR 36.4232; 38 CFR 36.4283

Legal Deadline: None

Abstract: A number of regulatory changes will be proposed for the Agency manufactured home loan program. The Agency would conform to HUD's practices on certifications, invoicing and volume rebates. Lenders would be permitted to file claims upon receipt of the Agency's resale price and thereafter retain the profit or loss which results from subsequent sale of the home. Broader insurance coverage would be required to cover missing items at repossession. Actual freight costs would be allowed in the invoice, and the amounts and items which could be included in the loan would be revised.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AC85

2712. VA HOME LOAN CREDIT STANDARDS; NEW SAH GRANT

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g); PL 99-576

CFR Citation: 38 CFR 4200 et seq.; 38 CFR 4300 et seq.; 38 CFR 4400 et seq.

Legal Deadline: None

Abstract: Regulations will be amended to implement the requirements of Public Law 99-576. The new law adds a new specially adapted housing grant purpose and requires that Department of Veterans Affairs home loan credit standards be in regulatory form.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AC90

2713. DEFINITION OF FRAUD

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.1

Legal Deadline: None

Abstract: The definition of fraud, except for forfeiture purposes, is being placed in the general definitions section and includes acts of omission as well as acts of commission. This action will allow a finding of fraud in certain cases where a beneficiary receives or retains benefits based on a knowing failure to provide necessary information. This is a new proposal based on comments the agency received on its original proposal under RIN 2900-AC01.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD19

2714. DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 21.420

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to bring procedures for informing veterans of changes in

payments for dependents into conformity with the decision of the courts. Under the proposed change, the Agency will provide 60 days advance notice if the veteran loses benefits being paid for a dependent in certain cases.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10378
NPRM Comment Period End	04/12/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AD27

2715. PLACING USE OF THE VOCATIONAL REHABILITATION PANEL ON A DISCRETIONARY BASIS

Legal Authority: 38 USC 1504(a); 38 USC 1505(a); 38 USC 1506(a); 38 USC 1520

CFR Citation: 38 CFR 21.62; 38 CFR 21.74; 38 CFR 21.76; 38 CFR 21.52; 38 CFR 21.53

Legal Deadline: None

Abstract: Under current provisions, use of the Vocational Rehabilitation Panel is required in certain instances. The role of the Panel is to assist in helping seriously disabled veterans successfully pursue a rehabilitation program. The requirement for consultation was a sound policy when the vocational rehabilitation program was substantially revised and broadened in 1980. As staff have gained experience with the new policies which resulted from the revision of the rehabilitation program in 1980, the need for consultation in every case has decreased. Current field experience indicates that placing use of the Panel on a discretionary basis is in the interest of the veteran and the government.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9237
NPRM Comment Period End	04/05/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AD29

2716. ASSUMPTION OF VA GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1802(b); PL 100-198

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4200

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that assumers of Department of Veterans Affairs loans committed to on or after March 1, 1988, meet certain criteria, including credit underwriting, before the assumption may take place. The proposed regulations will place the requirements of the law into regulatory form and will, as required by the law, set timeliness standards for processing assumed loans and the maximum that may be charged for the processing.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Acting Assistant Director for Loan, Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3668**

RIN: 2900–AD30

2717. PROCESSING OF VA APPRAISALS BY DESIGNATED LENDERS

Legal Authority: 38 USC 210(c); PL 100-198; 38 USC 1810; 38 USC 1810(b)(5); 38 USC 1831

CFR Citation: 38 CFR 36.4300

Legal Deadline: None

Abstract: Pub. L. 100-198 requires the publication of regulations authorizing certain lenders to process appraisals on Agency guaranteed loans. Such lenders will determine the value of the property, based on an appraisal by an appraiser selected by the Agency, without the Agency's approval or review of the appraisal. The regulations will set the criteria for being a designated lender and the procedures to follow.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction, and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2691**

RIN: 2900–AD31

2718. QUALIFICATION REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS FEE APPRAISERS

Legal Authority: 38 USC 210(c); 38 USC 1831; PL 100-198

CFR Citation: 38 CFR 36.4339

Legal Deadline: None

Abstract: Pub. L. 100-198 requires that certain standards for being designated as a fee appraiser be published in regulatory form. The standards are to include the successful completion of a written test, submission of a sample appraisal, certification of an appropriate number of years of experience as an appraiser, and submission of recommendations from other appraisers. In the past, such requirements have been published in administrative issues other than regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Burke, Assistant Director for Construction, and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue,

NW, Washington, DC 20420, 202 233-2691

RIN: 2900–AD32

2719. REQUIREMENTS FOR NONSUPERVISED AUTOMATIC LENDERS

Legal Authority: 38 USC 210(c); 38 USC 1802(d)

CFR Citation: 38 CFR 36.4300; 38 CFR 36.4300

Legal Deadline: None

Abstract: The Department of Veterans Affairs may grant lenders the authority to process loans on the automatic basis if they meet requirements set by the Agency. Currently these requirements are published in administrative issues with release to program participants. The proposed regulations will place the requirements in regulatory form to ensure proper notice. The requirements will include minimums for such items as working capital, experience of the firm and/or principal officers and its underwriters. These regulations will apply to lenders such as mortgage bankers who are not already under supervision by State or Federal entities.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AD33

2720. ALLOWABLE FEES AND CHARGES FOR DEPARTMENT OF VETERANS AFFAIRS GUARANTEED LOANS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)

CFR Citation: 38 CFR 36.4312; 38 CFR 36.4254

Legal Deadline: None

Abstract: Regulations allow the veteran obtaining a Department of Veterans Affairs guaranteed loan to pay the lender making the loan a one percent origination fee to cover the processing of the loan. Any other discount points required by the lender are to be paid by someone other than the veteran except in those cases where it is specifically allowed, such as refinancing loans. This regulation would clarify the instances in which a veteran may or may not pay discount points. This regulation change would also clarify that discount points may not be paid by the veteran (except when specifically allowed) to anyone, including the lender, seller or other concerned party.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3042

RIN: 2900–AD34

2721. FULL DISCLOSURE OF BENEFICIARY'S INCOME AND ASSETS

Legal Authority: PL 99-576, Sec 505; 38 USC 3202(b)

CFR Citation: 38 CFR 13.58(b)(2)(iii); 38 CFR 13.59(a); 38 CFR 13.100(a)(1); 38 CFR 13.102(b); 38 CFR 13.104(a)

Legal Deadline: None

Abstract: Federally appointed fiduciaries are not required, except under very specific circumstances, to divulge non-Agency income and assets belonging to the incompetent beneficiary. It is difficult to assess whether the fiduciary is using the beneficiary's Agency assets appropriately unless placed in the context of total income and assets available. The purpose of these changes is to lessen the potential for fraud, waste and abuse. 38 CFR 13.58(b)(2) and 13.59(a) detail the responsibilities of legal custodians and court-appointed guardians respectively. They would be amended to require the reporting of non-Agency assets. 38 CFR 13.100(a)(1) defines the authority of the Veterans Services Officer to supervise fiduciaries. The intended change would permit the Veterans Services Officer to request non-Agency financial information from fiduciaries. 38 CFR 13.102(b) and 13.104(b) define the accountability of legal custodians and court-appointed guardians respectively. The intended change requires disclosure of non-Agency financial information.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence J. Timko, Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2091

RIN: 2900–AD35

2722. PAYMENT OF GUARANTY CLAIMS

Significance: Regulatory Program

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); PL 100-198

CFR Citation: 38 CFR 36.4319; 38 CFR 36.4320; 38 CFR 36.4321

Legal Deadline: None

Abstract: Regulations will be amended to implement the new requirements for payment of claims. Under the new formulas, the Agency will exclude from the guaranty claim payment the interest which accrues during periods of forbearance granted at the Agency's request, and when the veteran files for bankruptcy. As a result, we expect that a number of cases which would result in the lender being required to dispose of the property will instead result in the Agency acquiring the property and paying a smaller claim. The adjustment in an Agency-requested forbearance or bankruptcy situation will only be made if doing so will result in the Agency offering to acquire the property when the property would otherwise not be acquired by the Agency. In cases where VA is at fault for the delay in foreclosure, for example, a failure to provide bidding instructions in a timely manner, the Agency will also exclude from the calculation as to whether or not the Agency will acquire the property interest which accrues during the period of delay, but will allow such interest in the computation of the guaranty claim.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	54 FR 13321
NPRM Comment Period End	05/01/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leonard A. Levy, Acting Assistant Director for Loan, Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3668

RIN: 2900–AD39

2723. VETERANS EDUCATION; RESTRICTIONS ON MAKING VEAP PAYMENTS TO SERVICEPERSONS

Legal Authority: 38 USC 1621; 38 USC 1631

CFR Citation: 38 CFR 21.5134

Legal Deadline: None

Abstract: The law requires that generally, an individual must contribute to the Post-Vietnam Education Assistance Program (VEAP) fund for 12 months in order to receive educational assistance. So as to encourage participation by servicemembers, the Agency has permitted a servicemember who meets all the other eligibility requirements to receive educational assistance after he or she has completed 3 months of contributions to the fund or has made a lump-sum payment which is the equivalent of at least 3 months' contributions to the fund. In order to comply with the law it has been the Agency's policy to require these servicemembers to establish a continuing allotment so that they eventually will contribute to the fund for 12 months. However, the regulation which mentions the 3 months' contributions does not mention the 12 months' participation requirement. This has led to instances where servicemembers who have been paid educational assistance, never participated for 12 months. The Agency wishes to amend the regulation to correct this.

Timetable:

Action	Date	FR Cite
NPRM	04/06/89	54 FR 13702
NPRM Comment Period End	05/05/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD62

2724. VETERANS EDUCATION; VETERANS EMPLOYMENT, TRAINING AND COUNSELING AMENDMENTS OF 1988

Legal Authority: PL 100-322; 38 USC 1434; 38 USC 1774; 38 USC 1774A; 38 USC 1782; PL 100-323, Sec 11; PL 100-323, Sec 14; PL 100-323, Sec 17

CFR Citation: 38 CFR 21.4150-4155; 38 CFR 21.4612; 38 CFR 21.4622; 38 CFR 21.4624; 38 CFR 21.4630-4632; 38 CFR 21.7200

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contains provisions which affect the relationship the Agency and the State approving agencies have with each other, and other provisions which affect the administration of the Veterans' Job Training Act. The pertinent regulations must be revised so that they implement the new law.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD63

2725. OPTIONAL SETTLEMENTS ON INSURANCE--CALCULATIONS

Legal Authority: 38 USC 706

CFR Citation: 38 CFR 6.69(a); 38 CFR 8.80; 38 CFR 8.80(c); 38 CFR 8.81; 38 CFR 8.92(a)

Legal Deadline: None

Abstract: The Agency currently pays annuities to approximately 150,000 individuals under all of its insurance programs. Of these, almost 1,500 are calculated using male/female differentiated mortality tables. Gender-differentiated mortality tables provide for lower monthly payments to female annuitants. Under this proposal, we will discontinue using female annuity tables and all new annuity awards will be based on existing male tables. All currently running female annuity payments will be raised to the male annuity payment amount, on a prospective basis.

Timetable:

Action	Date	FR Cite
NPRM	03/20/89	54 FR 11390
NPRM Comment Period End	04/19/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul F. Koons, Assistant Director for Insurance (29), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5360

RIN: 2900–AD65

2726. RESERVISTS EDUCATION; VETERANS' BENEFITS AND SERVICES ACT OF 1988 AND THE MONTGOMERY GI BILL

Legal Authority: 10 USC 2136(b); 38 USC 1788

CFR Citation: 38 CFR 21.7670; 38 CFR 21.7672

Legal Deadline: None

Abstract: The Veterans Benefits and Services Act of 1988 contains a provision which changes the method of measuring laboratory sessions for the purpose of paying educational benefits. The definition of standard class session is also changed. This proposal will bring the pertinent regulation governing the Montgomery GI Bill into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2092

RIN: 2900–AD68

2727. ● AUTHORITY OF FIDUCIARIES TO CONDUCT INSURANCE TRANSACTIONS

Legal Authority: 38 USC 706; 38 USC 744

CFR Citation: 38 CFR 6.211, (New); 38 CFR 8.119, (New)

Legal Deadline: None

Abstract: Under current procedures, State appointed fiduciaries may perform insurance transactions, e.g., apply for coverage or reinstate a policy, on behalf of incapacitated veterans. The ability of a fiduciary to perform a particular transaction is dependent on the authority granted to the fiduciary by State law. Such authority varies from State to State. Because of this, before any insurance transaction can be completed it must first be determined whether the fiduciary is authorized by State law to conduct the particular transaction. This entails referring the matter to a District Counsel for review. This process is time consuming and delays rendering service to our policyholders. In order to alleviate this problem and to establish a consistent approach regarding the powers of State-appointed fiduciaries, as well as federally appointed fiduciaries as they pertain to government life insurance transactions only, we are proposing regulations which will clarify and enunciate such powers.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Insurance Specialist/Attorney (290B), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5710

RIN: 2900–AD74

2728. ● VERBAL AUTHORIZATION OF PREMIUM ACTIONS

Legal Authority: 38 USC 708

CFR Citation: 38 CFR 8.8; 38 CFR 8.9

Legal Deadline: None

Abstract: Under current procedures insured veterans who wish to pay National Service Life Insurance (NSLI) premiums by monthly deductions from Department of Veterans Affairs benefits or military service retired pay must make a written request to do so. Under our proposal a written request will no longer be required. Instead, veterans wishing to make deduction action changes such as the establishment, adjustment or discontinuance of a deduction will be able to do so by telephoning their requests to the Department of Veterans Affairs for instantaneous service.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory C. Hosmer, Insurance Specialist/Attorney (290B), Department of Veterans Affairs, Veterans Benefits Administration, P.O. Box 8079, Philadelphia, PA 19101, 215 951-5710

RIN: 2900–AD75

2729. ● EXTENSION OF THE TEMPORARY PROGRAM OF VOCATIONAL TRAINING

Legal Authority: PL 100-687, Sec 1303; PL 100-227, Sec 202

CFR Citation: 38 CFR 21.6001; 38 CFR 21.6005; 38 CFR 21.6015; 38 CFR 21.6021; 38 CFR 21.6040; 38 CFR 21.6042; 38 CFR 21.6050; 38 CFR 21.6054; 38 CFR 21.6059

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement Act of 1988 contains provisions which extend the vocational training program for certain veterans in receipt of a pension for three years from January 31, 1989, to January 31, 1992, and makes certain veterans awarded a pension before February 1, 1985, eligible for participation on a voluntary basis. The Veterans' Compensation and Cost of Living Adjustment Act of 1988 increases the number of veterans who may be provided assistance under this program from 2,500 to 3,500 per year. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD76

2730. ● EXTENSION OF ELIGIBILITY BECAUSE OF THE DISABLING EFFECTS OF CHRONIC ALCOHOLISM

Legal Authority: PL 100-689, Sec 109

CFR Citation: 38 CFR 21.42

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions under which the period of eligibility of a veteran requesting assistance under the vocational rehabilitation program may be extended for the period during which the veteran could not participate in a program because of the disabling effects of chronic alcoholism. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD77

VA

Proposed Rule Stage

2731. ● EXTENSION OF THE TEMPORARY PROGRAM FOR TRIAL WORK PERIOD AND REHABILITATION

Legal Authority: PL 100-687, Sec 1301

CFR Citation: 38 CFR 21.6503; 38 CFR 21.6505; 38 CFR 21.6509; 38 CFR 21.6511; 38 CFR 21.6513; 38 CFR 21.6515; 38 CFR 21.6517; 38 CFR 21.6525

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement Act of 1988 contains provisions which extend the program of trial work periods and vocational rehabilitation for veterans with total disability ratings due to individual employability for three years from January 31, 1989, to January 31, 1992. In addition, the prior requirement that veterans awarded individual unemployability after February 1, 1985, be required to participate in an evaluation, and in a program of vocational rehabilitation if this is found feasible during the evaluation, is eliminated. The pertinent regulations must be amended to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD78

2732. ● ON JOB TRAINING IN NON-FEDERAL AGENCIES ON A NOMINAL PAY BASIS

Legal Authority: PL 100-689, Sec 201

CFR Citation: 38 CFR 21.296; 38 CFR 21.299

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions which allow the establishment of programs of training and work experience on a nonpay or nominal pay basis in state and local government agencies. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD79

2733. ● USE OF FOR-PROFIT AGENCIES

Legal Authority: PL 100-689, Sec 202

CFR Citation: 38 CFR 21.160; 38 CFR 21.162; 38 CFR 21.294; 38 CFR 21.252

Legal Deadline: None

Abstract: The Veterans' Benefits Programs and Improvement Act of 1988 contains provisions which allow the Agency to utilize for-profit agencies to provide independent living services and employment services under certain conditions. The pertinent regulations must be revised to implement these statutory provisions.

Timetable:

Action	Date	FR Cite
NPRM	08/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-6496

RIN: 2900–AD80

2734. ● VETERANS EDUCATION; STATE APPROVING AGENCIES AND THE MONTGOMERY GI BILL-SELECTED RESERVE

Legal Authority: 10 USC 2136; 38 USC 1774A

CFR Citation: 38 CFR 21.7700

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contains several provisions which affect the Department of Veterans Affairs relationships with the state approving agencies. This amendment will state that in administering Chapter 106, Title 10, United States Code, the Department of Veterans Affairs will apply the provisions of that new section in the same manner that it will be applied in the administration of 38 U.S.C. Chapters 34 and 36.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD81

2735. ● DEPENDENTS EDUCATION; ELIGIBILITY OF STEPCHILDREN

Legal Authority: 38 USC 1701; 38 USC 1712

CFR Citation: 38 CFR 21.3041; 38 CFR 21.4135

Legal Deadline: None

Abstract: The stepchildren of a veteran whose children are eligible for dependents educational assistance are also eligible for that assistance on the same basis as those children. Occasionally, while such a stepchild is receiving assistance, the veteran will separate from or divorce his or her spouse. The child in question then ceases to be eligible for dependents educational assistance, because he or she is no longer the veteran's stepchild. This regulation will state how the Department of Veterans Affairs will determine when to discontinue the child's assistance.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10377
NPRM Comment Period End	04/12/89	54 FR 10377
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program

Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD82

2736. ● VETERANS EDUCATION; THE VETERANS BENEFITS AND PROGRAMS IMPROVEMENT ACT AND MONTGOMERY GI BILL

Legal Authority: 38 USC 105; 38 USC 1411; 38 USC 1412; 38 USC 1413; 38 USC 1417; 38 USC 1418; 38 USC 1419; 38 USC 1788

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Montgomery GI Bill-Active Duty. These include providing a death benefit under this program; permitting certain servicemembers to renounce their election not to participate under this program; liberalizing eligibility criteria; permitting cooperative training in this program; permitting refresher, remedial and deficiency training in this program; providing tutorial assistance to veterans in this program; and liberalizing the provisions for extending a veteran's period of eligibility. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD83

2737. ● VETERANS AND DEPENDENTS EDUCATION; THE VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT

Legal Authority: 38 USC 1733; 38 USC 1692

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains provisions which affect both the Dependents' Educational Assistance Program and the Vietnam Era GI Bill. Refresher, remedial and deficiency training is now permitted in the former, while the amount of tutorial assistance is raised in the latter, and the provisions for extending the delimiting date is liberalized for both of them. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD84

2738. ● VETERANS EDUCATION; THE VETERANS' BENEFITS AND PROGRAMS IMPROVEMENT ACT AND VEAP

Legal Authority: 38 USC 105; 38 USC 1602; 38 USC 1631; 38 USC 1634; 38 USC 1641; 38 USC 1652; 38 USC 1788

CFR Citation: 38 CFR 21.5021; 38 CFR 21.5042; 38 CFR 21.5072; 38 CFR 21.5130; 38 CFR 21.5132; 38 CFR 21.5138; 38 CFR 21.5139; 38 CFR 21.5230; 38 CFR 21.5250; 38 CFR 21.5270; 38 CFR 21.5296

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Post-Vietnam Era Veterans' Educational Assistance Program. These include permitting cooperative training in this program, permitting refresher remedial and deficiency training in this program, providing tutorial assistance to veterans in this program, liberalizing the provisions for extending a veteran's period of eligibility, and reducing benefits to veterans who are incarcerated by reason of a felony conviction. Some of these changes are liberalizing. Some are more restrictive. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD85

2739. ● VETERANS EDUCATION; STATE APPROVING AGENCIES AND VEAP

Legal Authority: 38 USC 1641; 38 USC 1774A

CFR Citation: 38 CFR 21.5150

Legal Deadline: None

Abstract: The Veterans' Employment, Training and Counseling Amendments of 1988 contains several provisions which affect the Department of Veterans Affairs relationships with the State approving agencies. This amendment will state that in administering Chapter 32, Title 38, United States Code, the Department of Veterans Affairs will apply the provisions of that new section in the same manner that it will be applied in the administration of 38 U.S.C. Chapters 34 and 36.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue,

NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD88

2740. ● RESERVISTS EDUCATION; THE VETERANS BENEFITS AND PROGRAMS IMPROVEMENT ACT AND MONTGOMERY GI BILL

Legal Authority: 38 USC 105; 38 USC 2131 to 2133; 38 USC 2135

CFR Citation: 38 CFR 21

Legal Deadline: None

Abstract: The Veterans' Benefits and Programs Improvement Act of 1988 contains several provisions which affect the Montgomery GI Bill-Selective Reserve. These include paying benefits for less than half-time training in certain instances; liberalizing the eligibility criteria; and liberalizing the provisions for extending a reservist's period of eligibility. This proposal will acquaint the public with the way in which the Department of Veterans Affairs will administer the new provisions of law.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD89

2741. ● IMPLEMENTATION OF PUB. L. 100-198 CONCERNING CHANGES IN AMOUNT OF ENTITLEMENT, CALCULATION OF GUARANTY AMOUNT, OCCUPANCY REQUIREMENTS, AND REQUIREMENTS FOR REFINANCING LOANS

Legal Authority: 38 USC 210(c)(1); PL 100-198; PL 100-253

CFR Citation: 38 CFR 36.4302; 38 CFR 36.4303; 38 CFR 36.4306; 38 CFR 36.4306a; 38 CFR 36.4502; 38 CFR 36.4504

Legal Deadline: None

Abstract: Regulations will be amended to implement certain provisions of Pub. L. 100-198 as amended by Pub. L. 100-253. The new law requires: (1) An increase in the maximum amount of entitlement from $27,500 to $36,000, (2) A revision of the method for calculating the guaranty amount, (3) A revision of the occupancy requirements, and (4) A revision of the requirements for refinancing loans. These regulations will formalize the implementation of these provisions since all have been put into effect administratively.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD91

2742. ● REQUIRE HOLDER TO RETAIN RECORDS FOR ONE YEAR; ELIMINATE MINIMUM PROPERTY STANDARDS

Legal Authority: 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4215; 38 CFR 36.4330; 38 CFR 36.4360(a)

Legal Deadline: None

Abstract: Regulations will be revised to require lenders to keep loan origination records for one year. This will insure that records will be available for one year should the Department of Veterans Affairs wish to audit them. The regulations will also be revised to eliminate references to the HUD Minimum Property Standards as both HUD and the Department of Veterans Affairs have discontinued use of these standards.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3042

RIN: 2900–AD92

2743. ● LOAN GUARANTY: DETERMINATION OF NET VALUE

Significance: Regulatory Program

Legal Authority: 38 USC 210(c)(1); 38 USC 1803(c)(1)

CFR Citation: 38 CFR 36.4301; 38 CFR 36.4323(e)

Legal Deadline: None

Abstract: The proposed regulations will revise the definition of the term "net value." Under the revised definition, the Government's cost of borrowing funds to cover its operating expenses in acquiring a foreclosed property will be taken into account in determining the "net value" of a property to the Secretary of the Department of Veterans Affairs.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	54 FR 13320
NPRM Comment Period End	05/01/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AD93

2744. ● WAIVER/COMPROMISE OF DEBTS ESTABLISHED AS RESULT OF FORECLOSURE

Legal Authority: 38 USC 210(c)(1); 38 USC 1820

CFR Citation: 38 CFR 36.4323(e)

Legal Deadline: None

Abstract: Under 38 USC 1820 the Secretary of the Department of Veterans Affairs is authorized to waive or compromise debt collection rights prior to the completion of a GI loan foreclosure. The Department of Veterans Affairs presently uses this authority under certain circumstances. This amendment will put into regulatory form the specific conditions

under which the Secretary's authority to waive or compromise collection of debts may be used.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leonard A. Levy, Assistant Director for Loan Management (261), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3668

RIN: 2900–AD94

2745. ● INDEPENDENT MEDICAL OPINIONS

Legal Authority: 38 USC 3009

CFR Citation: 38 CFR 3.328

Legal Deadline: None

Abstract: The proposed regulation provides authority and procedures for requesting independent medical opinions in complex or controversial claims.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD96

2746. ● EXCLUSIONS FROM INCOME

Legal Authority: PL 100-687

CFR Citation: 38 CFR 3.272

Legal Deadline: None

Abstract: This amendment excludes from countable income, for purposes of needs-based benefits, reimbursements for casualty losses and funds received from the Agent Orange litigation settlement.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD97

2747. ● BENEFITS AT DIC RATES IN CERTAIN CASES WHEN DEATH IS NOT SERVICE-CONNECTED

Legal Authority: 38 USC 418

CFR Citation: 38 CFR 3.54

Legal Deadline: None

Abstract: This amendment liberalizes the marriage requirements for certain surviving spouses claiming death benefits equivalent to those payable for service-connected death.

Timetable:

Action	Date	FR Cite
NPRM	03/30/89	54 FR 13081
NPRM Comment Period End	05/01/89	
Final Action	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD98

2748. ● DEFINITION OF MARGINAL EMPLOYMENT

Legal Authority: 38 USC 210(c); 38 USC 355

CFR Citation: 38 CFR 4.16

Legal Deadline: None

Abstract: This amendment defines the term "marginal employment" for purposes of making determinations of individual unemployability. This amendment is in response to a recommendation from the General Accounting Office.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration (211B), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AD99

BOARD OF VETERANS APPEALS

2749. APPEALS REGULATIONS AND RULES OF PRACTICE; CUTOFF DATE FOR ACCEPTANCE OF EVIDENCE

Legal Authority: 38 USC 4004; 38 USC 4005

CFR Citation: 38 CFR 19.174

Legal Deadline: None

Abstract: This regulation will be amended to specify a cutoff date for the acceptance of additional evidence, requests for hearings or changes of representation once an appeal is transferred to the Board of Veterans Appeals.

Timetable:

Action	Date	FR Cite
NPRM	03/20/89	54 FR 11375
NPRM Comment Period End	04/19/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach, Special (Legal) Assistant (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900–AD14

OFFICE OF BUDGET AND FINANCE

2750. COMMITTEE ON WAIVERS AND COMPROMISES

Legal Authority: 38 USC 3102

CFR Citation: 38 CFR 1.955

Legal Deadline: None

Abstract: Currently, a panel of a Committee on Waivers and

Compromises is composed of either one, three, or five members. A one-member panel is used for waiver requests on debts of $1,000 or less. The proposed revision will permit one panel member for debts of $20,000 or less and two or three-member panels for debts in excess of $20,000. We believe that this proposed revision will provide the most efficient use of Committee members.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Peter Mulhern, Special Assistant (047F5), Department of Veterans Affairs, Ofc of Budget and Finance, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3405**

RIN: 2900–AD50

OFFICE OF EQUAL OPPORTUNITY

2751. NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERALLY ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Significance: Regulatory Program

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250; EO 12067

CFR Citation: 38 CFR 18

Legal Deadline: None

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from the VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

This originally appeared as a proposed rule in the Federal Register of April 25, 1979 (44 FR 24320). Because of the extended time frame due to internal agency consultation with the Department of Justice, the Agency is planning to repropose these regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William E. Nunn, Equal Opportunity Specialist (06A), Department of Veterans Affairs, Office of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2150**

RIN: 2900–AB51

2752. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 18.423(c); 38 CFR 18.401 to 18.461, App A

Legal Deadline: None

Abstract: To incorporate a reference to the Uniform Federal Accessibility Standards (UFAS) and update the list of Federal financial assistance programs administered by the Agency. The existing regulations require that new construction and alteration of facilities be made in an accessible manner. The regulations provide that new construction or alteration of facilities in conformance with the American National Standard Specifications for Making Building and Facilities Accessible to, and Usable by, the Physically Handicapped (ANSI A117.1-1961 (B 1971)) shall constitute compliance with the accessibility requirements for new construction and alteration of facilities. The proposed revision will replace the current standard with the UFAS, published under the Architectural Barriers Act of 1968. Because some facilities subject to the accessibility requirements of section 504 of the Rehabilitation Act of 1973 are also subject to the accessibility requirements of the Architectural Barriers Act, this proposal would eliminate any potential conflict between standards enforced under the two statutes.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9971
NPRM Comment Period End	05/08/89	54 FR 9966
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William E. Nunn, Equal Opportunity Specialist (06A), Department of Veterans Affairs, Office of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2150**

RIN: 2900–AB87

OFFICE OF THE GENERAL COUNSEL

2753. INVENTIONS BY EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS, AUTHORITY DELEGATIONS

Legal Authority: 15 USC 3710a; EO 12591

CFR Citation: 38 CFR 1.653, (Revision); 38 CFR 2.83, (Revision)

Legal Deadline: None

Abstract: The amendments to the two regulations cited will delegate authority from the Office of General Counsel (which has the authority, on behalf of the Secretary of the Department of Veterans Affairs, to act on all matters pertaining to patents and inventions) to directors of Agency medical centers to enter into cooperative research and development agreements (CRDAs) under the Federal Technology Transfer Act of 1986 (15 USC 3710 et. seq.) and EO 12591. EO 12591 provides heads of Federal agencies to delegate the authority to enter into CRDAs to directors of Federal laboratories. Each Agency medical center is considered a laboratory as defined in the Act. The delegation will effectuate the purposes of the Act, comply with the Executive Order, and promote cooperative medical research between the Agency and the public sector.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana M. Bloss, Deputy Assistant General Counsel (024B), Department of Veterans Affairs, Office of the General Counsel, 810

VA

Proposed Rule Stage

Vermont Avenue, NW, Washington, DC 20420, 202 233-3651

RIN: 2900–AD51

2754. ● SUITS AGAINST DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

Legal Authority: PL 100-694

CFR Citation: 38 CFR 14

Legal Deadline: None

Abstract: This proposal updates regulations to correspond to Department of Justice regulations implementing the Federal Employees Liability Reform and Tort Compensation Act of 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Adams, Deputy Assistant General Counsel (023A), Department of Veterans Affairs, Office of the General Counsel, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2060

RIN: 2900–AD72

DEPARTMENT OF VETERANS AFFAIRS (VA)

Final Rule Stage

VETERANS HEALTH SERVICES AND RESEARCH ADMINISTRATION

2755. COMMUNITY RESIDENTIAL CARE

Legal Authority: 38 USC 630

CFR Citation: 38 CFR 17.51h to 17.51q

Legal Deadline: None

Abstract: These regulations will clarify the legal status of the Community Residential Care program, setting standards and criteria for health and safety, facility resources, guidelines for costs of care, and conditions under which the Agency may cease referrals to noncomplying facilities.

Timetable:

Action	Date	FR Cite
NPRM	03/25/88	53 FR 9778
NPRM Comment Period End	04/25/88	53 FR 9778
Final Action	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Kelly, Chief, Community Care Programs (181), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3692

RIN: 2900–AB32

2756. QUALITY ASSURANCE CONFIDENTIALITY

Legal Authority: 38 USC 3305; 38 USC 4151; 38 USC 4152

CFR Citation: 38 CFR 17.500 to 17.540

Legal Deadline: None

Abstract: Final regulations implementing 38 USC 3305 were made effective Oct. 22, 1982. Those regulations govern the Agency's QA (quality assurance) program activities and records and documents which are made confidential and privileged. Sec. 3305 prohibits the Agency from designating any QA program activity, for the purpose of confidentiality, unless such activity has been specified in regulation. Pub. L. 99-166 amends 38 USC 4151 and 4152 to require that QA program activities include and evaluation of the quality of surgical care in the Agency, as evidenced by outcome measures of mortality and morbidity; a report to Congress indicating deficiencies in the quality of care is required. 38 USC 3305 was amended to clarify that aggregate statistical data is not to be made confidential provided individuals are not identified. The existing regulations do not include a description of the Agency Medical District Initiated Peer Review Organization (MEDIPRO) program which is an integral element of the quality assurance program. No alternatives are being considered. There are no potential costs to the action. The benefits would be in the form of programmatic improvements.

Timetable:

Action	Date	FR Cite
NPRM	10/27/88	53 FR 43452
NPRM Comment Period End	11/28/88	53 FR 43452
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Lubran, Health System Specialist (10Q), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3115

RIN: 2900–AC27

2757. CONTRACT MEDICAL CARE

Significance: Regulatory Program

Legal Authority: PL 99-576

CFR Citation: 38 CFR 17.50b; 38 CFR 17.87

Legal Deadline: None

Abstract: The Department of Veterans Affairs and the Department of Health and Human Services will be proposing to amend applicable regulations to permit the Agency to pay for authorized or private hospital care in amounts based on the rates allowed by Medicare under the prospective payment system. This step will help ensure that payments made by the Agency are consistent with those made by the largest Federal health care program for similar services in the community.

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47726
NPRM Comment Period End	12/27/88	53 FR 47726
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res.

Admin., 810 Vermont Avenue NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AC31

2758. DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Significance: Regulatory Program

Legal Authority: 38 USC 4301 to 4336

CFR Citation: 38 CFR 17.600

Legal Deadline: None

Abstract: Current regulations set forth requirements for awarding scholarships to students receiving academic training in the disciplines of medicine, osteopathy, and nursing, and if needed by the VA, students in other specified health care disciplines. Regulations are being amended to include requirements for awarding scholarships to students in disciplines currently specified as well as to students in other health care disciplines. Proposed regulations also revise selection of participants to indicate priority for individuals entering final year of training, and revise length of service obligation for full-time student participants to be one year for each year or part of a year individual was provided an award.

Timetable:

Action	Date	FR Cite
NPRM	01/18/89	53 FR 1950
NPRM Comment Period End	02/17/89	53 FR 1950
Final Action	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charlotte Beason, Ed.D., Director, Health Professional Scholarship, Program (14N), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3588

RIN: 2900–AC66

2759. ELIGIBILITY FOR DENTAL CARE FOR FORMER POWS

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.123(d)

Legal Deadline: None

Abstract: These proposed regulations implement Section 106 of Pub. L. 100-322 which provides that outpatient dental services and treatment and related dental appliances, shall be furnished for a dental condition or disability from which a veteran, who is a former POW and who was detained or interned for a period of not less than 90 days, is suffering.

Timetable:

Action	Date	FR Cite
Final Action	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD43

2760. RECREATION FACILITIES TO BE CONSIDERED DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Legal Authority: PL 100-322

CFR Citation: 38 CFR 17.30(w)

Legal Deadline: None

Abstract: The proposed regulations amend the definition of VA facilities as required by Pub. L. 100-322 to include public or private facilities at which the Secretary of the Department of Veterans Affairs provides recreational activities for patients receiving hospital, nursing home or domiciliary care.

Timetable:

Action	Date	FR Cite
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus, Chief, Policies and Procedures Division, Medical Administration Service (136F), Department of Veterans Affairs, Veterans Health Svcs. & Health Res. Admin., 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2504

RIN: 2900–AD44

VETERANS BENEFITS ADMINISTRATION

2761. CLAIMS BASED ON EXPOSURE TO IONIZING RADIATION OR DIOXIN

Legal Authority: PL 98-542

CFR Citation: 38 CFR 3.311a; 38 CFR 3.311b

Legal Deadline: None

Abstract: These amendments expand the list of radiogenic diseases and modify certain manifestation periods for radiation-related cancers. Minor technical clarifications are also included.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	53 FR 48551
NPRM Comment Period End	01/03/89	53 FR 48551
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3005

RIN: 2900–AB64

2762. EMPLOYMENT SERVICES FOR CERTAIN ELIGIBLE VETERANS

Legal Authority: 38 USC 1501; 38 USC 1502; 38 USC 1505(b); 38 USC 1516; 38 USC 1517

CFR Citation: 38 CFR 21.47; 38 CFR 21.51; 38 CFR 21.73; 38 CFR 21.250

Legal Deadline: None

Abstract: The Agency has determined that employment assistance may be provided a veteran eligible for Chapter 31, if the veteran though trained and qualified for suitable employment, has an employment handicap that prevents him or her from obtaining such employment, even if he or she is not a prior participant in a vocational rehabilitation program. It has previously been held that eligibility for employment services was limited to veterans who were current or prior participants under Chapter 31.

Timetable:

Action	Date	FR Cite
NPRM	02/02/88	53 FR 2855
NPRM Comment Period End	03/03/88	53 FR 2855
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AB89

2763. DETERMINING ENTITLEMENT USAGE UNDER THE VOCATIONAL REHABILITATION PROGRAM

Legal Authority: 38 USC 1505

CFR Citation: 38 CFR Not yet determined

Legal Deadline: None

Abstract: To establish a specific method for determining entitlement changes under Chapter 31. In view of the number of education and training programs not authorized under Title 38, a specific statement of Chapter 31 policy for determining entitlement changes is needed.

Timetable:

Action	Date	FR Cite
NPRM	02/17/89	54 FR 7206
NPRM Comment Period End	03/20/89	54 FR 7206
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AC08

2764. 1. APPORTIONMENT OF BENEFITS TO DEPENDENTS 2. PAYMENT OF COST OF VETERAN'S MAINTENANCE IN INSTITUTION 3. RECOMMENDATION FOR PAYMENT

Legal Authority: 38 USC 210; 38 USC 3202; 38 USC 3203; PL 98-543, Sec 402

CFR Citation: 38 CFR 13.70; 38 CFR 13.71; 38 CFR 13.74

Legal Deadline: None

Abstract: 38 CFR 13.70 defines the conditions under which the Veterans Services Officer may recommend an apportionment of benefits to dependents. The proposed amendment will clarify these conditions. The amendment will also remove a reference to mental illness as the sole criteria for a rating of incompetency.

38 CFR 13.71 is to be amended to make clear that the signing of an institutional award agreement does not waive an institution's right to claim payments under 38 USC 641. This action is the result of an unpublished General Counsel opinion.

38 CFR 13.74 is based on the provisions of 38 USC Sec. 3203(b) (1)(A); however, where the law refers to more than one type of institutional care, the regulation refers only to instances of hospitalization. This would seem to preclude application of the regulation when veterans are in State run nursing homes or other institutions operated by the United States or a political subdivision. The Department of Veterans Affairs, therefore, proposes to correct this defect by substituting the terms "institution" and "institutionalization" where appropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/05/87	52 FR 300
NPRM Comment Period End	02/05/87	52 FR 300
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: William Saliski, Jr., Program Analyst (273), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2091**

RIN: 2900–AC10

2765. PROVIDING AN INITIAL EVALUATION FOR A VETERAN NOT RESIDING IN A STATE

Legal Authority: 38 USC 111; 38 USC 1506

CFR Citation: 38 CFR 21.100; 38 CFR 21.376

Legal Deadline: None

Abstract: An initial evaluation is provided each veteran requesting assistance under the vocational rehabilitation program. The purpose of the initial evaluation is to determine eligibility and entitlement to vocational rehabilitation and plan a program of vocational rehabilitation for eligible veterans. The initial evaluation is provided by Agency counseling psychologists in the United States. Since interpersonal discussion is the essence of counseling, providing an initial evaluation to a veteran residing overseas by an Agency counselor located in this country poses logistical and other problems. We are proposing that current regulations be amended to allow for greater flexibility in providing initial evaluations to veterans not residing in a state, including those veterans residing overseas. The alternatives to the present system include, but are not limited to contracting with qualified counseling staff located in the area in which the veteran resides, to conduct a part of the evaluation. All decisions as to eligibility for services would continue to be made by Agency staff.

Timetable:

Action	Date	FR Cite
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman, Rehabilitation Consultant (226), Policy and Program Development, Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-6496**

RIN: 2900–AC46

2766. PROCEDURAL DUE PROCESS

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.103; 38 CFR 3.105; 38 CFR 3.109; 38 CFR 3.110; 38 CFR 3.114

Legal Deadline: None

Abstract: These changes expand the procedural due process provided to beneficiaries, especially when benefits are proposed to be reduced or terminated. There is also a clarification of the effective date rule applicable to liberalizing laws or administrative issues.

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37797
NPRM Comment Period End	10/28/88	53 FR 37797
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900–AC54

2767. VETERANS EDUCATION; AMENDMENTS NEEDED TO IMPLEMENT PUB. L. 99-576

Legal Authority: PL 99-576

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.3046; 38 CFR 21.4022; 38 CFR 21.4100; 38 CFR 21.4101; 38 CFR 21.4102; 38 CFR 21.4104; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4138; 38 CFR 21.4230; 38 CFR 21.4231; 38 CFR 21.4232; 38 CFR 21.4233; ...

Legal Deadline: None

Abstract: The Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 contains several provisions which affect the administration of Dependents' Educational Assistance and benefits provided under the Vietnam Era GI Bill. The most important provisions include a change to the way in which the Agency must measure certain courses which do not lead to a standard college degree; a change in the way the eligibility period is determined for some spouses eligible to receive Dependents' Educational Assistance; and a change to the provision governing receipt of benefits under the Vietnam Era GI Bill and other education programs administered by the Agency.

Timetable:

Action	Date	FR Cite
NPRM	02/23/89	54 FR 7784
NPRM Comment Period End	03/27/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AC76

2768. SUSPENSION OF INDIVIDUAL EMPLOYEES OF MANUFACTURED HOME DEALERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1812(g)

CFR Citation: 38 CFR 36.4235

Legal Deadline: None

Abstract: Present regulations authorize the Secretary to refuse to guarantee loans to purchase manufactured homes from dealers determined by the Secretary to have engaged in contracts of sale or methods or practices which are unfair or prejudicial to veteran purchasers. It is proposed to amend this regulation to also authorize suspension of individual employees of manufactured home dealers who engage in unfair or prejudicial practices.

Timetable:

Action	Date	FR Cite
NPRM	10/18/88	53 FR 40742
NPRM Comment Period End	11/17/88	53 FR 40742
Final Action	06/00/89	
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George D. Moerman, Assistant Director for Loan Policy (264), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3042**

RIN: 2900–AC83

2769. DISEASES SUBJECT TO PRESUMPTIVE SERVICE-CONNECTION

Legal Authority: PL 100-321; PL 100-322

CFR Citation: 38 CFR 3.309; 38 CFR 3.812

Legal Deadline: None

Abstract: These amendments provide for presumptive service-connection for systemic lupus erythematosus arising within 1 year of discharge for peripheral neuropathy, irritable bowel syndrome and peptic ulcer disease arising in former POWs and for 13 specific cancers arising in certain radiation-exposed veterans. A bar to benefits under section 156 of Pub. L. 97-377 is also removed.

Timetable:

Action	Date	FR Cite
NPRM	12/16/88	53 FR 50547
NPRM Comment Period End	01/17/89	53 FR 50547
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900–AD53

2770. DETERMINATION OF SERVICE-CONNECTION FOR IMPAIRED HEARING

Legal Authority: 38 USC 210(c)

CFR Citation: 38 CFR 3.385

Legal Deadline: None

Abstract: This amendment defines the term "hearing within normal limits" and precludes service-connection for impaired hearing when that definition is satisfied.

Timetable:

Action	Date	FR Cite
NPRM	08/26/88	53 FR 32627
NPRM Comment Period End	09/26/88	53 FR 32627
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900–AD54

2771. VETERANS EDUCATION; PROCEDURAL PROTECTIONS FOLLOWING LOSS OF DEPENDENT

Legal Authority: 38 USC 3012 to 3013

CFR Citation: 38 CFR 21.4132

Legal Deadline: None

Abstract: The Agency is considering a veteran's due process rights when the Agency is considering reduction of the veteran's educational assistance allowance because the Agency has received evidence that the veteran has

lost a dependent. This proposal will bring the rights granted such a veteran into agreement with the rights a veteran has when he or she is receiving disability compensation or pension and the Agency receives evidence that the veteran has lost a dependent. The effect of this proposal will be to improve and more clearly define procedural due process rights.

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5944
NPRM Comment Period End	03/09/89	54 FR 5944
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AD58

2772. VETERANS EDUCATION; PAYMENTS DURING BREAKS IN ENROLLMENT

Legal Authority: 38 USC 1434; 38 USC 1780(a)

CFR Citation: 38 CFR 21.4203; 38 CFR 21.4205; 38 CFR 21.7139; 38 CFR 21.7140

Legal Deadline: None

Abstract: The Agency may make payments of educational assistance allowance to veterans and eligible persons under the various GI Bills during breaks within a certified period of enrollment when the break results from a school closing based upon an order of the President or due to an emergency situation. The Directors of Regional Offices have been delegated the authority to determine when these payments should be made. In the interest of administrative efficiency the Agency is considering permitting other Agency employees to make these determinations during some school closings.

Timetable:

Action	Date	FR Cite
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AD59

2773. BASIC ELIGIBILITY DETERMINATIONS: EDUCATION

Legal Authority: 38 USC 1411(a); 38 USC 1412(b); 38 USC 1602; 38 USC 1652(a)

CFR Citation: 38 CFR 3.315

Legal Deadline: None

Abstract: The Agency has a regulation which provides authority and guidelines for making a service-connected discharge determination needed to determine eligibility for Agency benefits. The Agency is considering amending the regulation to add a rule for deciding when such a determination must be made for veteran who has applied for benefits under the Montgomery GI Bill-Active Duty.

Timetable:

Action	Date	FR Cite
NPRM	11/18/88	53 FR 46635
NPRM Comment Period End	12/19/88	53 FR 46635
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Assistant Director for Educational Policy, and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-2092**

RIN: 2900–AD60

2774. DEFINITION OF FORMER PRISONER OF WAR

Legal Authority: PL 100-322

CFR Citation: 38 CFR 3.1(y)

Legal Deadline: None

Abstract: This amendment gives the Agency the authority to make determinations on prisoner of war status for persons interned during wartime by neutral or allied governments. This expands the class of persons eligible to be declared former prisoners of war.

Timetable:

Action	Date	FR Cite
NPRM	11/18/88	53 FR 46634
NPRM Comment Period End	12/19/88	53 FR 46634
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 233-3005**

RIN: 2900–AD71

2775. ● VETERANS EDUCATION; PROCEDURAL DUE PROCESS

Legal Authority: 38 USC 3001; 38 USC 3013

CFR Citation: 38 CFR 21.1032; 38 CFR 21.3032; 38 CFR 21.4131; 38 CFR 21.4136; 38 CFR 21.4137

Legal Deadline: None

Abstract: The Department of Veterans Affairs has been reviewing regulations for the purpose of improving due process procedures. This proposal provides that in certain instances if the VA does not furnish claimants or beneficiaries with notice of the time limits within which they are required to act, those time limits do not apply until notice is provided. This proposal will provide increased due process to veterans and eligible persons affected by these time limits.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5640
NPRM Comment Period End	03/08/89	54 FR 5640
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue,

VA

Final Rule Stage

NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD86

2776. ● VETERANS EDUCATION; ELIGIBILITY FOR DEPENDENTS' EDUCATIONAL ASSISTANCE

Legal Authority: 38 USC 1712

CFR Citation: 38 CFR 21.3041

Legal Deadline: None

Abstract: Occasionally, a veteran's child will become eligible for dependents' educational assistance after the child's 18th birthday. The pertinent provision of the Code of Federal Regulations which addresses this situation incompletely states the applicable statutory requirement for determining the child's effective date of eligibility. This proposal will bring the Code of Federal Regulations into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 5945
NPRM Comment Period End	03/09/89	54 FR 5945
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler, Acting Assistant Director for Educational, Policy and Program Administration (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-2092

RIN: 2900–AD87

2777. ● COMBINED RATINGS TABLE

Legal Authority: 38 USC 210(c); 38 USC 355

CFR Citation: 38 CFR 4.25

Legal Deadline: None

Abstract: This amendment clarifies application of the combined ratings table when there are multiple compensable disabilities due to a single service-connected disease entity, such as arthritis of multiple joints, as well as additional compensable service-connected disabilities due to different causes.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7067
NPRM Comment Period End	03/20/89	54 FR 7067
Final Action	11/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White, Chief, Regulations Staff (211B), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, 202 233-3005

RIN: 2900–AD90

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

2778. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATION - CONSULTING SERVICE

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 837

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation provides coverage regarding contracting aspects of OMB Circular A-120 consulting services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Figg, Chief, Acquisition Policy Staff (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2334

RIN: 2900–AC86

2779. ACQUISITION REGULATIONS; CONSTRUCTION CONTRACTING PROCEDURES

Legal Authority: 38 USC 210; 40 USC 486c

CFR Citation: 48 CFR 836; 48 CFR 852

Legal Deadline: None

Abstract: This Department of Veterans Affairs regulation will update and clarify construction contracting procedures and clauses.

Timetable:

Action	Date	FR Cite
NPRM	01/21/88	53 FR 1630
NPRM Comment Period End	02/22/88	53 FR 1630
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marsha J. Grogan, Acquisition Policy Staff (93), Department of Veterans Affairs, Ofc of Acquisition and Materiel Mgmt, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-3784

RIN: 2900–AC87

BOARD OF VETERANS APPEALS

2780. APPEALS REGULATIONS AND RULES OF PRACTICE- STATUS OF LEGAL INTERNS, LAW STUDENTS AND PARALEGALS

Legal Authority: 38 USC 3401; 38 USC 3404; 38 USC 4005(b)(2)

CFR Citation: 38 CFR 19.152, (Revision)

Legal Deadline: None

Abstract: The regulation will be amended to clarify the status of attorneys to be employed by service organizations and to allow legal interns, law students and paralegals to work with these attorneys who are presenting appeals in any capacity.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20653
NPRM Comment Period End	07/07/88	53 FR 20653
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach, Special (Legal) Assistant (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900–AC11

2781. APPEALS REGULATIONS AND RULES OF PRACTICE - HEARING DATE

Legal Authority: 38 USC 4002; 38 USC 4005A

CFR Citation: 38 CFR 19.159, (Revision)

VA — Final Rule Stage

Legal Deadline: None

Abstract: This regulation will be revised to provide an appellant or representative a 60-day period in which to reschedule a hearing date. The revision will remedy scheduling conflicts created by multiple requests for a change of hearing date from the same appellant and/or representative, without abridging the appellant's right to due process.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20653
NPRM Comment Period End	07/07/88	53 FR 20653
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Donsbach, Special (Legal) Assistant (01C), Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2978

RIN: 2900–AC88

OFFICE OF INFORMATION MANAGEMENT AND STATISTICS

2782. RELEASE OF VA LISTS OF NAMES AND ADDRESSES AND PENALTY PROCEDURES FOR UNAUTHORIZED USE

Legal Authority: 38 USC 3301(f)

CFR Citation: 38 CFR 1.519

Legal Deadline: None

Abstract: The Agency is amending the existing regulations concerning Agency lists of names and addresses and is also proposing administrative procedures to use when these lists are used for purposes not authorized by law. This action results from the need to amend the regulations to reflect current procedures, organizational changes, and concern expressed by veterans and some service organizations regarding unsolicited mail. The proposed regulatory amendments will allow the Agency to enforce its statutory duty to protect the privacy of information concerning veterans and their dependents, establish procedures to suspend recipients who misuse Agency name and address lists of veterans/dependents, and give advance notice to recipients of what constitutes an authorized/unauthorized use of veterans/ dependents names and address lists, thereby protecting the due process rights of any recipient before penalties are enforced.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8624
NPRM Comment Period End	04/20/87	52 FR 8624
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Epps, Management Analyst (723B), Department of Veterans Affairs, Ofc of Information Mgmt & Statistics, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-2545

RIN: 2900–AC63

2783. PREDISCLOSURE OF CONFIDENTIAL COMMERCIAL INFORMATION

Legal Authority: 5 USC 552(b)(4); EO 12600

CFR Citation: 38 CFR 1.554

Legal Deadline: None

Abstract: Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, establishes certain mandatory and uniform procedures for handling Freedom of Information Act (FOIA) requests for records which may contain confidential commercial information, protected by FOIA exemption (5 U.S.C. 552(b)(4)). The Executive Order requires the notification and designation procedures be established in agency regulations. Accordingly, the revision to 38 CFR 1.554 will comply with the requirements of the Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	11/15/88	53 FR 45944
NPRM Comment Period End	12/15/88	53 FR 45944
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gordon Boone, Chief, Records Management Div. (733), Department of Veterans Affairs, Ofc of Information Mgmt and Statistics, 810 Vermont Avenue, NW, Washington, DC 20420, 202 233-4243

RIN: 2900–AD09

DEPARTMENT OF VETERANS AFFAIRS (VA) — Completed Actions

2784. CONTRACT MEDICAL CARE

Significance: Regulatory Program

CFR Citation: 38 CFR 17.50b; 38 CFR 17.87

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2900-AC31		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul Tryhus 202 233-2504

RIN: 2900–AC69

2785. AUTOMOBILE ALLOWANCE AND ADAPTIVE EQUIPMENT ELIGIBILITY; DEVICES TO OVERCOME THE HANDICAP OF DEAFNESS

CFR Citation: 38 CFR 3.807; 38 CFR 3.808; 38 CFR 17.115d; 38 CFR 17.119

Completed:

Reason	Date	FR Cite
Final Action	11/18/88	53 FR 46606
Final Action Effective	12/19/88	53 FR 46606

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frederick Downs 202 233-2011

RIN: 2900–AD08

2786. USE OF EDUCATIONAL ASSISTANCE BENEFITS AS A PART OF A VOCATIONAL REHABILITATION PROGRAM

CFR Citation: 38 CFR 21.22; 38 CFR 21.264

Completed:

Reason	Date	FR Cite
Final Action	01/30/89	54 FR 4282
Final Action Effective	10/19/84	54 FR 4282

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-2886

RIN: 2900–AC41

2787. SYSTEMIC DISEASES, ET AL

CFR Citation: 38 CFR 4.16; 38 CFR 4.29; 38 CFR 4.30; 38 CFR 4.88a

Completed:

Reason	Date	FR Cite
Final Action	01/30/89	54 FR 4280
Final Action Effective	03/01/89	54 FR 4280

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White 202 233-3005

RIN: 2900–AC57

2788. EXTENSION OF THE INDEPENDENT LIVING SERVICES PROGRAM

CFR Citation: 38 CFR 21.160; 38 CFR 21.162; 38 CFR 21.294

Completed:

Reason	Date	FR Cite
Final Action	12/19/88	53 FR 50955
Final Action Effective	10/28/86	53 FR 50955

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Morris Triestman 202 233-6496

RIN: 2900–AC82

2789. VETERANS EDUCATION; EFFECT OF INTERNAL DEPARTMENT OF VETERANS AFFAIRS REORGANIZATION

CFR Citation: 38 CFR 2.76; 38 CFR 2.80; 38 CFR 2.81; 38 CFR 2.82; 38 CFR 2.98; 38 CFR 21.74; 38 CFR 21.98; 38 CFR 21.100; 38 CFR 21.162; 38 CFR 21.222; 38 CFR 21.254; 38 CFR 21.256; 38 CFR 21.258; 38 CFR 21.292; 38 CFR 21.382; ...

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn due to enactment of Pub. L. 100-527.	02/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler 202 233-2092

RIN: 2900–AD04

2790. VETERANS EDUCATION; INCREASE IN RATES PAYABLE IN THE EATP

CFR Citation: 38 CFR 21.5820; 38 CFR 21.5822

Completed:

Reason	Date	FR Cite
Final Action	12/16/88	53 FR 50520
Final Action Effective	10/01/87	53 FR 50520

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler 202 233-2092

RIN: 2900–AD23

2791. EVIDENCE SUITABLE TO ESTABLISH DEPENDENTS

CFR Citation: 38 CFR 3.204

Completed:

Reason	Date	FR Cite
Final Action	02/02/89	54 FR 5235
Final Action Effective	03/06/89	54 FR 5235

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. White 202 233-3005

RIN: 2900–AD52

2792. VETERANS EDUCATION; WAIVER OF THE 85-15 PERCENT RATIO REQUIREMENT

CFR Citation: 38 CFR 21.4201

Completed:

Reason	Date	FR Cite
Final Action	01/30/89	54 FR 4285
Final Action Effective	12/20/88	54 FR 4285

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler 202 233-2092

RIN: 2900–AD56

2793. VETERANS EDUCATION; FORFEITURE OF EDUCATION BENEFITS

CFR Citation: 38 CFR 21.4007

Completed:

Reason	Date	FR Cite
Final Action	01/30/89	54 FR 4286
Final Action Effective	12/23/88	54 FR 4286

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler 202 233-2092

RIN: 2900–AD57

2794. VETERANS EDUCATION; DETERMINATION OF TRAINING TIME DURING NONSTANDARD TERMS

CFR Citation: 38 CFR 21.4272

Completed:

Reason	Date	FR Cite
Final Action	03/30/89	54 FR 13064
Final Action Effective	02/27/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler 202 233-2092

RIN: 2900–AD61

2795. VETERANS SPECIAL LIFE INSURANCE--"RS" TERM PREMIUMS

CFR Citation: 38 CFR 8.3; 38 CFR 8.85; 38 CFR 8.113

Completed:

Reason	Date	FR Cite
Final Action	02/07/89	54 FR 5931
Final Action Effective	02/07/89	54 FR 5931

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Paul F. Koons 215 951-5360

RIN: 2900–AD64

2796. VETERANS EDUCATION; VETERANS' BENEFITS AND SERVICES ACT OF 1988 AND THE VIETNAM ERA GI BILL

CFR Citation: 38 CFR 21.4200; 38 CFR 21.4270

Completed:

Reason	Date	FR Cite
Final Action	12/01/88	53 FR 48549

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan R. Zoeckler 202 233-2092

RIN: 2900–AD69

2797. ACQUISITION REGULATIONS RELATING TO COST COMPARISONS

CFR Citation: 48 CFR 807, (Revision); 48 CFR 852, (Revision)

Completed:

Reason	Date	FR Cite
Final Action	09/26/88	53 FR 43209
Final Action Effective	10/18/88	53 FR 43209

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris A. Figg 202 233-2334

RIN: 2900–AC37

2798. EQUAL ACCESS TO JUSTICE; PROCEDURAL RULES

CFR Citation: 38 CFR 1.790

Completed:

Reason	Date	FR Cite
Withdrawn Withdrawn for further consideration.	02/15/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Agency Contact: Sally Pfund 202 275-0430

RIN: 2900–AC33

2799. EFFECT OF GENERAL COUNSEL OPINIONS

CFR Citation: 38 CFR 14.507; 38 CFR 2.6; 38 CFR 3.101; 38 CFR 19

Completed:

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 5610
Final Action Effective	03/08/89	54 FR 5610

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Mullen 202 233-2440

RIN: 2900–AB22

2800. RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS, AND ATTORNEYS

CFR Citation: 38 CFR 14.627 to 14.637

Completed:

Reason	Date	FR Cite
Final Action	12/28/88	53 FR 52416
Final Action Effective	12/28/88	53 FR 52416

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Mullen 202 233-2440

RIN: 2900–AC89

2801. CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

CFR Citation: 38 CFR 14.600 to 14.610; 38 CFR 2.6

Completed:

Reason	Date	FR Cite
Final Action	12/12/88	53 FR 49879
Final Action Effective	11/09/88	53 FR 49879

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: E. Douglas Bradshaw, Jr. 202 233-2153

RIN: 2900–AD15

2802. INDEMNIFICATION OF DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES

CFR Citation: 38 CFR 14

Completed:

Reason	Date	FR Cite
Final Action	02/06/89	54 FR 5613
Final Action Effective	02/06/89	54 FR 5613

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Adams 202 233-2060

RIN: 2900–AD70

2803. PROTECTION OF ARCHAEOLOGICAL RESOURCES

CFR Citation: 38 CFR 27

Completed:

Reason	Date	FR Cite
Withdrawn VA considering other approaches for implementing law.	01/25/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Spoon 202 233-3447

RIN: 2900–AC26

2804. UNIFORM RELOCATION ASSISTANCE ACT FOR REAL PROPERTY ACQUISITION AND FEDERALLY ASSISTED PROGRAMS

CFR Citation: 38 CFR 25

Completed:

Reason	Date	FR Cite
Final Action	03/02/89	54 FR 8912
Final Action Effective	03/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Maurer 202 233-3398

RIN: 2900–AD37

[FR Doc. 89-5839 Filed 04-21-89; 8:45 am]

BILLING CODE 8320-01-T

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Monday
April 24, 1989

Part XVII

ACTION

Semiannual Regulatory Agenda

ACTION (ACTION)

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision or review during the next year. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to provide the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda, contact Stewart A. Davis, Acting General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 601), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

DATED: February 13, 1989.

Donna M. Alvarado,

Director.

ACTION (ACTION) — Prerule Stage

2805. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Legal Deadline: None

Abstract: In accordance with 42 USC 2000(d)(1) ACTION will promulgate regulations implementing provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION Title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001–AA06

2806. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

CFR Citation: None

Legal Deadline: None

Abstract: In accordance with Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9312**

RIN: 3001–AA07

2807. INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE WITH PUBLIC INFORMATION ACT

Legal Authority: 5 USC 552; 42 USC 4951

CFR Citation: 45 CFR 1215

Legal Deadline: None

Abstract: In accordance with the Freedom of Information Act (5 USC 522), the Agency is updating its regulation concerning the release of Agency information.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Lowell Genebach, Director, Planning, Budget and Management Division, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, **202 634-9137**

RIN: 3001–AA09

2808. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL ASSISTANCE FROM ACTION

Legal Authority: 42 USC 6101; 42 USC 4951

CFR Citation: 45 CFR 1221

ACTION

Prerule Stage

Legal Deadline: None

Abstract: In accordance with 42 USC 6101 and 42 USC 4951 ACTION will promulgate regulations implementing provisions of the Age Discrimination Act of 1975, as amended, and Section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Nancy B. Voss, Director, Equal Opportunity Staff, Office of Compliance, ACTION, 806 Conn. Ave., NW, Washington, DC 20525, 202 634-9312

RIN: 3001–AA10

[FR Doc. 89-5840 Filed 04-21-89; 8:45 am]

BILLING CODE 6050-28-T

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Monday
April 24, 1989

Part XVIII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 810

Unified Agenda of Federal Regulations

AGENCY: Advisory Council on Historic Preservation (ACHP).

ACTION: Publication of agenda.

SUMMARY: The following ACHP regulation is scheduled for development from April 1989 through March 1990. It is submitted herein for publication in the Unified Agenda of Federal Regulations, EO 12291.

FOR FURTHER INFORMATION CONTACT: See person listed below for specific agenda information.

Advisory Council on Historic Preservation.

Dated: March 3, 1989.

Robert D. Bush,

Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Proposed Rule Stage

2809. FREEDOM OF INFORMATION ACT REGULATIONS

Legal Authority: 16 USC 470 Nat. Historic Preservation Act of 1966, as amended

CFR Citation: 36 CFR 810.5

Legal Deadline: None

Abstract: The regulation will increase the fees charged to requesters of information to better reflect the cost to the Government of locating and copying the documents requested. Copying charges would be increased from $0.10 to $0.13 per page; fees for searches by professional staff from $2.00 to $4.65 per quarter hour; and fees for searches by clerical staff from $1.00 to $2.30 per quarter hour. The regulation would thus impose a "user's fee" to users of the Government FOIA system which is more consistent with other agencies' fees.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Katherine Barns Soffer, Associate General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW #809, Washington, DC 20004, 202 786-0503

RIN: 3010–AA03

[FR Doc. 89-6181 Filed 04-21-89; 8:45 am]

BILLING CODE 4310-10-T

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Monday
April 24, 1989

Part XIX

Agency for International Development

Semiannual Regulatory Agenda

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (AID) is publishing this agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives AID's plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and to participate more effectively in AID's rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list, in general, contact: Mr. Fred D. Allen, Office of Information Resources Management, Agency for International Development, Washington, DC 20523, Telephone (703) 875-1573.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

Dated: February 16, 1989.

John F. Owens,

Acting Assistant to the Administrator for Management.

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Prerule Stage

2810. ● PUBLIC INFORMATION

Legal Authority: 22 USC 2381; 5 USC 552

CFR Citation: 22 CFR 212

Legal Deadline: None

Abstract: The regulation is being updated to conform with the congressional changes made in 1987.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Harper, Director, Office of Public Inquiries, Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 647-4220**

RIN: 0412–AA02

2811. ● REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: 22 USC 2381; 5 USC 552a; 5 USC 553

CFR Citation: 22 CFR 215

Legal Deadline: None

Abstract: The regulation is being reviewed for update. Two new systems of records are being studied for incorporation.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James L. Harper, Director, Office of Public Inquiries, Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 647-4220**

RIN: 0412–AA03

AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) — Proposed Rule Stage

2812. DONATION OF AGRICULTURAL COMMODITIES/PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Legal Deadline: None

Abstract: This regulation sets forth provisions of the Agency for International Development (AID), acting as an agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy and wheat products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, PL 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of

AID

Proposed Rule Stage

Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412–AA05

2813. TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Legal Deadline: None

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jessie C. Vogler, Program Officer, Agency for International Development, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412–AA06

[FR Doc. 89-5841 Filed 04-21-89; 8:45 am]

BILLING CODE 6116-01-T

federal register

Monday
April 24, 1989

Part XX

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of regulatory activities. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of the action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW., Suite 501, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Ms. Elizabeth A. Stewart, Acting General Counsel, (202) 653-7834 (voice or TDD).

William J. Tangye,

Chair, Architectural and Transportation Barriers Compliance Board.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB) — Final Rule Stage

2814. INFORMATION AVAILABILITY: PROCEDURES (36 CFR 1120)

Legal Authority: 5 USC 552

CFR Citation: 36 CFR 1120, (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: This interim final rule amends the ATBCB's regulations to establish a schedule and system for collecting fees to recover certain direct costs associated with responding to Freedom of Information Act (FOIA) requests as required by the Freedom of Information Reform Act of 1986.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/10/87	52 FR 43193
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth A. Stewart, Acting General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW, Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA04

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB) — Completed Actions

2815. MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Significance: Agency Priority

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Legal Deadline: None

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until sufficient research information and/or field experience is obtained. At present the ATBCB is reviewing comments on the proposed rule to add provisions for leased facilities. In a separate notice of proposed rulemaking, the Board will propose the incorporation of certain technical specifications (including detectable warnings and signage) of the Uniform Federal Accessibility Standards and American National Standards Institute A117.1 (1986) standard into the ATBCB Minimum Guidelines and Requirements for Accessible Design.

Timetable:

Action	Date	FR Cite
Final Action	02/03/89	54 FR 5434
Final Action Effective	02/03/89	

ANSI/UFAS Technical Specifications

NPRM 09/16/87 (52 FR 34955)

NPRM Comment Period End 11/16/87

Final Action 02/03/89 (54 FR 5434)

Leased Facilities

NPRM 02/11/87 (52 FR 4352)

NPRM Public Comment Period End 03/13/87

Final Action 09/14/88 (53 FR 35507)

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Elizabeth A. Stewart, Acting General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW, Suite 501, Washington, DC 20036, 202 653-7834

RIN: 3014–AA00

2816. PRACTICE AND PROCEDURES FOR COMPLIANCE HEARINGS

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1150

Legal Deadline: None

Abstract: The current regulation sets forth procedures to ensure compliance with standards issued under the Architectural Barriers Act of 1968, PL 90-480, as amended, 42 USC 4151 et seq. The Board has published an interim rule revising this regulation to provide a 180-day period for informally resolving complaints in place of the previous 90-

day period. This interim rule is expected to be published as a final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule with Request for Comment	05/22/86	51 FR 18788
Interim Final Rule Comment Period End	07/21/86	
NPRM	12/23/87	52 FR 48546
NPRM Comment Period End	02/22/88	
Final Action Effective	07/13/88	
Final Action	10/07/88	53 FR 39473

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth A. Stewart, Acting General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, NW, Suite 501, Washington, DC 20036, **202 653-7834**

RIN: 3014–AA03

[FR Doc. 89-5842 Filed 04-21-89; 8:45 am]

BILLING CODE 6820-BP-T

Federal Register

Monday
April 24, 1989

Part XXI

Commission on Civil Rights

Semiannual Regulatory Agenda

COMMISSION ON CIVIL RIGHTS (CCR)

COMMISSION ON CIVIL RIGHTS

45 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: U.S. Commission on Civil Rights.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the U.S. Commission on Civil Rights will have under development during the 6-month period from April 1, 1989 through September 30, 1989. The purpose for publishing this agenda is to give notice of any regulatory activity by the Commission in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda in general, contact: William H. Gillers, Solicitor, U.S. Commission on Civil Rights, 1121 Vermont Ave., NW., Room 606, Washington, DC 20425, (202) 376-8514.

Specific: For further information about any particular item on the agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605), executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by the Commission are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. The Commission has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; nor will the regulations have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required.

William H. Gillers,

Solicitor.

COMMISSION ON CIVIL RIGHTS (CCR) — Final Rule Stage

2817. IMPLEMENTATION OF FREEDOM OF INFORMATION REFORM ACT

Significance: Agency Priority

Legal Authority: 42 USC 1975 to 1975f; 5 USC 552

CFR Citation: 45 CFR 704.1, (Revision)

Legal Deadline: Final, Statutory, April 25, 1987.

Abstract: The regulation implements the 1986 statutory amendments to the Freedom of Information Act (FOIA) (5 USC 552). The revised provisions modify the terms of exemption 7 and also establish new procedures regarding the charging and waiving of fees pursuant to a FOIA request.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5504
NPRM Comment Period End	03/06/89	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William H. Gillers, Solicitor, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 606, Washington, DC 20425, 202 376-8514

RIN: 3035–AA00

2818. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504-HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 707

Legal Deadline: None

Abstract: The proposed regulation provides for the implementation of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	06/16/88	53 FR 22534
NPRM Comment Period End	08/15/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William J. Howard, General Counsel, Commission on Civil Rights, 1121 Vermont Avenue, NW, Room 600, Washington, DC 20425, 202 376-8351

RIN: 3035–AA01

[FR Doc. 89-8182 Filed 04-21-89; 8:45am]

BILLING CODE 6335-01-T

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April 24, 1989

Part XXII

Environmental Protection Agency

Semiannual Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY (EPA)

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL-3537-9]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA revises and issues the Regulatory Agenda semiannually, and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: If you want to be on the mailing list for future agendas, please call or write to Bridgette Dent, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-5475.

If you have any suggestions for improving this publication, or need general information about the agenda, please call or write to Angela Suber, Regulation Management Branch, EPA, PM-223, Washington, DC 20460, (202) 382-7205.

FOR FURTHER INFORMATION CONTACT: For specific information on any item in the agenda, please contact the person listed with each entry.

SUPPLEMENTARY INFORMATION:

Statutes Covered in the Agenda

Asbestos Hazard Emergency Response Act (AHERA)
Atomic Energy Act (AEA)
Clean Air Act (CAA)
Clean Water Act (CWA)
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Hazardous and Solid Waste Amendments (HSWA)
Marine Protection, Research, and Sanctuaries Act (MPRSA)
Resource Conservation and Recovery Act (RCRA)
Safe Drinking Water Act (SDWA)
Superfund Amendments and Reauthorization Act (SARA)
Toxic Substances Control Act (TSCA)
Water Quality Act of 1987 (WQA)
General - Other Acts (including grant and procurement regulations that cut across several program areas)

Organization of the Agenda

The agenda is organized by statute, and in several cases it combines regulations with differing statutory authorities that have closely-related subject matter. For example, the Asbestos-in-Schools Inspection, Abatement, and Disposal regulation is written under AHERA, but appears with regulations under TSCA.

Within each statutory listing, the regulations are ordered numerically, by section number of the authorizing legislation. For example, all RCRA regulations under section 3001 appear before those under section 3006.

Within each statutory area the entries are further divided into four categories: (1) Prerule Stage; (2) Proposed Rule Stage; (3) Final Rule Stage; and (4) Completed Actions (regulations that EPA is deleting from the agenda because the Agency has completed, withdrawn, or postponed them indefinitely). Detailed information on each of these sections is presented below.

I. Prerulemakings

Prerulemaking actions include activities intended to determine whether or how to initiate rulemaking. These activities include anything that influences or leads to rulemaking, such as advance notices of proposed rulemaking, significant studies or analyses of the possible need for regulatory action, requests for public comment on the need for regulatory action, or important pre-regulatory policy proposals.

This section also includes existing EPA regulations that are now under review. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. When finished, the Agency will list these reviews in the completed section of the agenda. If EPA decides to revise or rescind the regulation, the action will appear in the proposed rule section of the next agenda, which will state the timetable for completing the revision or rescission.

For each regulation under review, the agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which may be different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12498 is intended to outline the Administration's annual Regulatory Program. It defines priority activities that federal departments and agencies will work on during the upcoming year. Its purpose is to minimize duplication and conflict among regulatory activities and enhance public understanding of the Administration's regulatory objectives.

Executive Order 12291 establishes the general policy that federal departments and agencies should review their regulations to ensure that the costs of the regulations are justified by their benefits. The Office of Management and Budget (OMB) reviews agency rules to assess their compliance with the Executive Order's goals of maximizing net social benefits.

The Regulatory Flexibility Act (RFA) requires that federal departments and agencies review existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA invites public comment regarding RFA issues on the list of regulations EPA is reviewing.

Reviews EPA has targeted under the RFA are identified by a "Yes" in the "small entity" category. This year the agenda also identifies the type of entity affected (businesses, governmental jurisdictions, or organizations). Also identified is whether the regulatory action affects State, Local, or Federal governments. These changes will enable organizations representing local governments to make greater use of the agenda.

When the Agency completes reviews of regulations with a significant impact on small entities, the agenda includes an abstract that announces the Agency's decision of whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 16, 1981 plan (46 FR

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36930) for reviewing regulations under the Act.

The Paperwork Reduction Act (PRA) requires federal departments and agencies to review their information collection activities to assure that they need and will use the information and manage it efficiently. They must also ensure that the information to be collected is of high quality, appropriate for its intended use, and does not already exist at some other federal agency. In addition, the PRA requires agencies to review the cost of collecting the information, so that it will be held to a minimum for both the respondent and the agencies. Congress gave oversight authority to OMB. EPA must have OMB approval before it either collects information or requires that information be collected.

II. Proposed and Final Rules

This section includes all "significant" EPA regulations. Some are priority regulations under development that are subject to Executive Order 12498 or that the Agency has designated for priority development or revision. These regulations are also subject to certain provisions of E.O. 12291, RFA, and PRA.

EPA generally lists regulations in this category of the agenda once they are within a year of proposal or promulgation. Very important regulations under development will usually appear even if the scheduled publication dates are more than a year away.

Proposed and final rules appear as: (a) Actions that will create new CFR parts, subparts, or subsections. The word "revision" will appear in subsections; or (b) actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revision. All regulations appearing in the agenda for the first time are marked with bullets (●).

However, the listings exclude: (a) Specialized categories of actions (such as EPA approvals of State plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each proposed and final regulation, the agenda includes:
- Title
- Priority classification (if applicable)
- Legal authority
- CFR reference
- Legal deadline (if applicable)
- Short abstract
- Timetable of existing and scheduled actions
- Reference to small entity impacts (yes, no, or undetermined)
- Additional information (includes the FTS phone number for the Agency contact, the Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes, and any other information that is not included in the abstract)
- Agency contact
- Analysis section (if the Agency is preparing a Regulatory Impact Analysis (RIA) and/or an analysis under the RFA)

III. Completed Actions

These are actions that appeared in the last agenda, which EPA is deleting because they are completed or are no longer under consideration. Information on these regulations and reviews of regulations is less detailed than for those that are still under consideration. Generally, entries include: (1) An explanation of why the Agency is deleting the regulation from the agenda, or (2) the publication date and **Federal Register** citation of the final rule.

Dated: February 24, 1989.

Robert H. Wayland, III,

Deputy Assistant Administrator for Policy, Planning and Evaluation.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2819	SAR No. 2684 Pesticide Regulations for Pesticidal Transgenic Plants (Revision)	2070-AC02
2820	SAR No. 2351. Restricted Use Classification for Groundwater Contaminating Pesticides	2070-AB60
2821	SAR No. 2567. Registration Data Requirements for Pesticide Product Performance and Companion Pesticide Assessment Guidelines (Revision)	2070-AB82
2822	SAR No. 2337. Sale of Restricted Use Pesticides to Noncertified Persons	2070-AB48
2823	SAR No. 2446. Regulations on Certification of Pesticide Applicators (Revision)	2070-AB75
2824	SAR No. 2406. Pesticide Applicator Certification Fees for EPA Administered Programs	2070-AB76
2825	SAR No. 2445. Amendments to Experimental Use Permit Rule for Certain Microbial Pesticides (Revision)	2070-AB77
2826	SAR No. 2554. Policy on Advertising Claims Made for Registered Products	2070-AB88
2827	SAR No. 2659 Regulations on Storage, Transportation, and Disposal of Pesticides	2070-AB95
2828	SAR No. 2639 Child-Resistant Packaging Regulations (Revision)	2070-AB96
2829	SAR No. 2695 Responses to Petitions Received to Add to or Delete Chemicals from the List of Toxic Chemicals Under Section 313 of SARA	2070-AC00

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2830	SAR No. 2444. Food Additive Regulations Concerning Pesticide Residues: Procedural Regulations	2070-AB78
2831	SAR No. 2289. Labeling Requirements for Pesticides and Devices (Revision)	2070-AB46
2832	SAR No. 1703. FIFRA Good Laboratory Practice Standards (Revision)	2070-AB68

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2833	SAR No. 2338. Reporting Requirements for Risk/Benefits Information	2070-AB50
2834	SAR No. 1640. Worker Protection Standards (Revision)	2070-AA49

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2835	SAR No. 2314. Advertising of Unregistered Pesticides, Unregistered Uses of Registered Pesticides and FIFRA 24(c) Registrations	2070-AB47

Toxic Substances Control Act (TSCA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2836	SAR No. 2654 Scrap Metal Recycling Regulatory Controls	2070-AC01

Toxic Substances Control Act (TSCA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2837	SAR No. 2555. Toxic Chemical "Peak Release" Reporting Rule (Revision)	2070-AB86
2838	SAR No. 2658 Modification of Toxic Release Reporting under SARA 313, Title III	2070-AB98
2839	Decisions on Test Rules: Proposed Rules	2070-AB07
2840	SAR No. 2563. SARA Section 110 Chemicals Generic Test Rule	2070-AB79
2841	SAR No. 2657 Amendments to Test Rules and Consent Agreements	2070-AB97
2842	Chemical Specific Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
2843	SAR No. 2247. Generic Significant New Use Rule for Acrylate Compounds	2070-AB56
2844	Rulemaking Concerning Certain Microbial Products ("Biotechnology")	2070-AB61
2845	SAR No. 2561. Proposal to Exempt Certain Microorganisms from PMN Requirements under TSCA 5(h)(4)	2070-AB89
2846	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
2847	SAR No. 2284. Regulatory Investigation of Chlorinated Solvents	2070-AB41
2848	SAR No. 2560. Procedures and Criteria for Termination of Polychlorinated Biphenyl Disposal Permits	2070-AB81

Toxic Substances Control Act (TSCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2849	SAR No. 2245. Negotiated Consent/Procedural Test Rule (Revision)	2070-AB30
2850	SAR No. 1886. TSCA Good Laboratory Practice Standards (Revision)	2070-AB65
2851	Decision on Test Rules: Final Rules	2070-AB94
2852	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
2853	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59
2854	SAR No. 2375. Procedural Rule for Expedited New Chemical Follow-up	2070-AB64
2855	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
2856	SAR No. 2296. Action Concerning Commercial and Industrial Use of Asbestos	2070-AB29
2857	SAR No. 2550. PCB Notification and Manifesting Rule	2070-AB83
2858	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rules	2070-AB08

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Toxic Substances Control Act (TSCA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2859	SAR No. 1139. Section 8(d) Health and Safety Data Reporting Rules	2070-AB11

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2860	SAR No. 2563. SARA Section 110 Chemicals Generic Test Rule	2070-AB84
2861	SAR No. 2375. Procedural Rule for Expedited New Chemical Follow-up	2070-AB67
2862	SAR No. 2297. PCB Spill Cleanup Recordkeeping Rule	2070-AB45
2863	SAR No. 2129. TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AB13

Clean Water Act (CWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2864	SAR No. 2497 Water Quality Standards - Revision	2040-AB56
2865	SAR No. 1427. Pharmaceuticals	2040-AA13
2866	SAR No. 2583. Non-Ferrous Manufacturing (Phase II)	2040-AB31
2867	SAR No. 2473. Effluent Guidelines for Pesticides Chemicals	2040-AB32
2868	SAR No. 1410 Effluent Guidelines for Pulp, Paper and Paperboard	2040-AB53
2869	SAR No. 2475. NPDES, Permits for Dredged or Fill Material, and Water Quality Standards -- Revision for Indian Tribes	2040-AB36
2870	SAR No. 2587. Revisions to Regulations for Modification of Secondary Treatment Requirements for Municipal Discharge into Marine Waters	2040-AB29
2871	SAR No. 2493. NPDES Regulatory Revisions	2040-AB38
2872	SAR No. 2501. NPDES Permit Application Standard Form A and Short Form A (Revision)	2040-AB39
2873	SAR No. 2515. Citizen Suit Notice Regulation under the CWA	2040-AB50
2874	SAR No. 2496. Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act	2040-AB58
2875	SAR No. 2189. Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78

Clean Water Act (CWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2876	SAR No. 2163. National Pollutant Discharge Elimination System Sewage Sludge Permit Regulations; State Sludge Management Program Requirements	2040-AA73
2877	SAR No. 2479. Water Quality Planning and Management Grants for Indian Tribes	2040-AB35
2878	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
2879	SAR No. 2585. Comprehensive Construction Grant Regulation Revision	2040-AB25
2880	SAR No. 1649. Effluent Guidelines for Offshore Oil and Gas Extraction Industry (Revision)	2040-AA12
2881	SAR No. 2525. Interpretation of Provisions of Section 304(1) of the CWA	2040-AB46
2882	SAR No. 2617 Estuary Program Grant Regulation	2040-AB54
2883	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
2884	SAR No. 2304. Future Effluent Guidelines -- Standards Initiatives	2040-AA90
2885	SAR No. 2162. Sewage Sludge Use and Disposal Regulations	2040-AA74
2886	SAR No. 2546 Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Effective Dates; and Capacity Variances for Additional First Third Wastes (Second Sixth)	2040-AB55
2887	SAR No. 2342. EPA Administered Programs: NPDES; General Pretreatment Regulations for Existing and New Sources: Proposals to Implement the Domestic Sewage Study	2040-AA99

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Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2888	SAR No. 2300. Guidelines for Classifying Ground Water under the EPA Ground Water Protection Strategy	2040-AA85
2889	SAR No. 1962. Secondary Treatment/Percent Removal Requirements for Combined Sewer Systems	2040-AB13
2890	SAR No. 2600. Nonferrous Metals Forming	2040-AB30
2891	SAR No. 1438 Effluent Guidelines for Aluminum Forming (Revision)	2040-AB52
2892	SAR No. 2580. Procedural Rules for Class I Administrative Penalty Proceedings under the CWA	2040-AB49
2893	SAR No. 2212. General Pretreatment Regulations: Response to PIRT (Revision)	2040-AA81
2894	SAR No. 2140. Ocean Incineration Regulation (Revision)	2040-AA72
2895	SAR No. 2301 Ocean Incineration Site Evaluation, Solicitation, and Designation	2040-AB28
2896	SAR No. 2546. Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Effective Dates for California List and Selected First Third Wastes	2040-AB47

Atomic Energy Act (AEA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2897	SAR No.2590 Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes	2060-AC30
2898	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
2899	SAR No. 2073. Residual Radioactivity	2060-AB31

Atomic Energy Act (AEA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2900	SAR No. 1162. Transuranium Elements	2060-AA01
2901	SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02
2902	SAR No. 1166. Groundwater Protection Standards for Inactive Uranium Tailing Sites	2060-AC03

Safe Drinking Water Act (SDWA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2903	SAR No. 2426. Revisions to the Safe Drinking Water Act's Underground Injection Control Regulations	2040-AB27
2904	SAR No. 1755. National Primary Drinking Water Regulations: Synthetic Organic Chemicals and Inorganic Chemicals, Monitoring for Unregulated Contaminants (Phase II, 38 Contaminants)	2040-AA55
2905	SAR No. 2281. National Primary Drinking Water Regulation: Radionuclides	2040-AA94
2906	SAR No. 2340. National Primary Drinking Water Regulations: Disinfection, Disinfectants and Disinfection By-Products (Revision)	2040-AA97
2907	SAR No. 2630. National Primary Drinking Water Regulations: Inorganic and Organic Compounds (Phase V/25 Contaminants)	2040-AB11
2908	SAR No. 2381 Public Water Supply Supervision Program Administrative Enforcement Implementation Procedures	2040-AB07

Safe Drinking Water Act (SDWA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2909	SAR No. 2440. Indian Rule for the Wellhead Protection Program and Sole Source Aquifer Demonstration Program	2040-AB18
2910	SAR No. 2489. Revision to Public Water System Supervision (PWSS) State Primacy Requirements	2040-AB26

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Safe Drinking Water Act (SDWA)—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2911	SAR No. 2376. Criteria for Filtration and Disinfection of Surface Water and Primary Drinking Water Regulations for Microbiological Contaminants	2040-AB24
2912	SAR No. 2610 National Primary Drinking Water Regulations: Lead and Copper	2040-AB51

Safe Drinking Water Act (SDWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2913	SAR No. 2211. Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions; Amendments To Technical Requirements for Class I Hazardous Waste Injection Wells	2040-AB03
2914	SAR No. 2131. Underground Injection Control Program on Indian Lands	2040-AA76
2915	SAR No. 2383. SDWA Indian Primacy Regulations	2040-AB04
2916	SAR No. 2378. Public Water System Supervision Program: Ban on Lead in Plumbing	2040-AB05
2917	SAR No. 2405. Criteria for Identifying Critical Aquifer Protection Areas	2040-AB23

Noise Control Act (NCA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2918	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24

Resource Conservation and Recovery Act (RCRA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2919	SAR No. 2434. Management of Used Oil	2050-AC17
2920	SAR No. 2572. Determination on Wastes from Combustion of Coal by Electric Utility Power Plants	2050-AC40

Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2921	SAR No. 2634 Oil Pollution Prevention Regulation	2050-AC62
2922	SAR No. 2332. Mandatory Inspections of Hazardous Waste Management Facilities	2050-AB59
2923	SAR No. 2524. No-Migration Variance for Restricted Hazardous Waste Land Disposal	2050-AC44
2924	SAR No. 2494. Municipal Waste Combustor Ash Management	2050-AC24
2925	SAR No. 2482. Identification and Listing of Hazardous Wastes - Deminimis exemption Levels	2050-AC30
2926	SAR No. 2651. Determination on Solid Waste from Selected Metallic Ore Processing Operations	2050-AC41
2927	SAR No. 2635 Exclusions for Waste Generated On-Board Ships (Revision)	2050-AC61
2928	SAR No. 2622 Hazardous Waste Management System, Amendment to Subpart C Rulemaking Petitions, use of Groundwater Data in Delisting Decisions	2050-AC65
2929	SAR No. 2676 Modification of Hazardous Waste Listing FO19	2050-AC78
2930	SAR No. 2078. Burning of Hazardous Waste in Boilers and Industrial Furnaces	2050-AA72
2931	SAR No. 2080. Liners and Leak Detection for Hazardous Waste Land Disposal Units	2050-AA76
2932	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB42
2933	SAR No. 2390. Corrective Action for Solid Waste Management Units (SWMUs) at Hazardous Waste Management Facilities	2050-AB80

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Resource Conservation and Recovery Act (RCRA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
2934	SAR No. 2391. Landfill, Surface Impoundment, and Waste Pile Closures for Hazardous Waste Management Facilities	2050-AB81
2935	SAR No. 2453. Emission Controls for Hazardous Waste Incinerators	2050-AB90
2936	SAR No. 2461. Land Disposal Restrictions for Soil and Debris Containing Hazardous Wastes	2050-AC03
2937	SAR No. 2439. Permitting Experimental Facilities Conducting Hazardous Waste Research	2050-AC04
2938	SAR No. 2503. Corrective Action for Releases to Ground Water from Regulated Hazardous Waste Units	2050-AC28
2939	SAR No. 2570 Modification of the Definition of Wastewater Treatment Unit	2050-AC66
2940	SAR 2647 RCRA Subtitle C Financial Test Criteria (Revision)	2050-AC71
2941	SAR 2664 Definition of Hazardous Waste Tank, Surface Impoundment and Waste Pile (Revision)	2050-AC72
2942	SAR No. 2523. Land Disposal Restrictions for the Third Third of Scheduled Wastes	2050-AC73
2943	SAR No. 2675 Hazardous Waste Sump Requirements in Response to Rulemaking Petition (Revision)	2050-AC79
2944	SAR No. 2435. List (Phase 2) of Hazardous Constituents for Ground Water Monitoring	2050-AC05
2945	SAR No. 2158. Compliance Monitoring and Enforcement Requirements for State Hazardous Waste Management Programs	2050-AB01
2946	SAR No. 2527. New Requirements for State Hazardous Waste Programs	2050-AC51
2947	SAR No. 2389. Mining Waste Management Under RCRA Subtitle D	2050-AB77
2948	SAR No. 2465. Underground Storage Tanks Containing Hazardous Substances- Financial Responsibility Requirements	2050-AC15
2949	SAR No. 2642 Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements: Financial Test for Self Insurance for Local Government Entities	2050-AC67

Resource Conservation and Recovery Act (RCRA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2950	SAR No. 2653 Medical Waste Demonstration Tracking Program	2050-AC74
2951	SAR No. 2226. Identification and Listing of Hazardous Wastes - Petroleum Refinery Primary Treatment Sludge	2050-AB70
2952	SAR No. 2174 Identification and Listing of Hazardous Wastes - Wood Preserving and Surface Protection Waste	2050-AC43
2953	SAR No. 2157. Identification and Listing of Hazardous Waste - Methyl Bromide	2050-AC60
2954	SAR No. 2575 RCRA Definition of Solid Waste (Revision)	2050-AC68
2955	SAR No. 2224. Solid Waste Disposal Facility Criteria	2050-AB21
2956	SAR No. 2507. Test Methods for Evaluating Solid Waste (Manual SW846) Incorporation by Reference and Mandatory Good Laboratory Practices	2050-AC32
2957	SAR No. 2062. Identification of Hazardous Wastes by Toxicity Characteristic and Listing of Additional Organic Toxicants	2050-AA78
2958	SAR No. 2058 Forty-seven Analytical Methods Approved for Subtitle C RCRA Hazardous Waste Testing	2050-AC80
2959	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AA34
2960	SAR No. 2277. Ground-Water Monitoring at Hazardous Waste Facilities	2050-AB20
2961	SAR No. 2487. Delay in the Closure Period for Hazardous Waste Management Facilities	2050-AB71
2962	SAR No. 2388. Double Liner and Leachate Collection Systems for Hazardous Waste Land Disposal Units	2050-AB76
2963	SAR No. 2522. Land Disposal Restriction for Second Third of Scheduled Wastes	2050-AC55
2964	SAR No. 2397. Permitting Mobile Hazardous Waste Treatment Units	2050-AC20
2965	SAR No. 2521 Hazardous Waste Management System: Subpart C Requirements of Rulemaking Petitions (Revision)	2050-AC75
2966	SAR No. 2641 Underground Storage Tanks Containing Petroleum-Financial Responsibility Requirements; Suspension of Enforcement Procedures	2050-AC63

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2967	SAR No. 2524. No-Migration Variance for Restricted Hazardous Waste Land Disposal	2050-AC56
2968	SAR No. 2174 Identification and Listing of Hazardous Wastes - Wood Preserving and Surface Protection Waste	2050-AC59
2969	SAR No. 2398. Changes to Interim Status and Permitted Facilities for Hazardous Waste Management; Procedures for Post-Closure Permitting	2050-AC29
2970	SAR No. 2510. Guideline for Federal Procurement for Retread Tires	2050-AC52
2971	SAR No. 2068. Sampling and Analysis Methods for Waste Testing	2050-AA82

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Resource Conservation and Recovery Act (RCRA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
2972	SAR No.2568 Air Toxicity Characteristic for Hazardous Waste	2050-AC23
2973	SAR No. 2483. Concentration-Based Relisting of Wastes from Explosives, Inorganic Chemicals, and Iron and Steel Industries	2050-AC31
2974	SAR No. 2572. Determination on Wastes from Combustion of Coal by Electric Utility Power Plants	2050-AC53
2975	SAR No. 2651. Determination on Solid Waste from Selected Metallic Ore Processing Operations	2050-AC54
2976	SAR No. 2207. Disposal of Containerized Liquids in Hazardous Waste Landfills	2050-AB12
2977	SAR No. 2303. Location Standards for Hazardous Waste Facilities	2050-AB67
2978	SAR No. 2436. Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities	2050-AB92
2979	SAR No. 2460. Liability Requirements for Hazardous Waste Facilities - Other Instruments	2050-AC19
2980	SAR No. 1805. Permit Modifications for Hazardous Waste Management Facilities	2050-AC22
2981	SAR No. 2688 National Priorities List for Uncontrolled Hazardous Waste Sites - Federal Facility Sites Policy and Listing	2050-AC82
2982	SAR No. 2544. Trial Burns for Existing Hazardous Waste Incinerators	2050-AC50
2983	SAR No. 2611 Guideline for Procurement of Insulation Products Containing Recovered Materials	2050-AC69
2984	SAR No. 2255. Underground Storage Tanks Containing Petroleum - Financial Responsibility Requirements	2050-AB89
2985	SAR No. 2234. Underground Storage Tanks - State Program Approval	2050-AB31
2986	SAR No. 2643 Implementation of Title III on Indian Lands	2050-AC64

Clean Air Act (CAA)—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
2987	SAR No. 1920. NAAQS: Ozone (Review)	2060-AA96
2988	SAR No. 1004. NAAQS: Nitrogen Dioxide (Review)	2060-AC06
2989	SAR No. 1001. NAAQS: Carbon Monoxide (Review)	2060-AC07
2990	SAR No. 1010. NSPS: Organic Solvent Degreasing	2060-AA12
2991	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
2992	SAR No. 1695. NSPS: Organic Solvent Degreasing (111d)	2060-AA33
2993	SAR No. 2430. NSPS: Asphalt Processing and Asphalt Roofing Manufacturing Plants(Review)	2060-AC21
2994	SAR No. 1869. NESHAP:Cadmium	2060-AB92
2995	SAR No. 2360. NESHAP: Perchloroethylene Dry Cleaning	2060-AC27
2996	SAR No. 1695. NESHAP: Organic Solvent Degreasing	2060-AC31
2997	SAR No. 2365. Fuel and Fuel Additives: Health and Emissions Effects Testing	2060-AC10
2998	SAR No. 2629 General Requirements for Determination of Gasoline Metal Content	2060-AC52

Clean Air Act (CAA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2999	SAR No. 2679 Protection of Stratospheric Ozone	2060-AC09
3000	SAR No. 1919. NAAQS: Lead (Review)	2060-AA95
3001	SAR No. 2577. NAAQS: Fine Particulate Matter	2060-AC32
3002	SAR No. 2608 New Source Review Requirements -- CMA Exhibit B	2060-AC54
3003	SAR No. 2164. NSPS: SOCMI Reactor Processes	2060-AB55
3004	SAR No. 2239. NSPS: Small Boilers	2060-AB95
3005	SAR No. 2424. NSPS: Municipal Waste Combustors	2060-AC26
3006	SAR No. 2535. NSPS: Municipal Landfills	2060-AC42
3007	SAR No. 1686. NESHAP: Coke Oven Emissions from Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal-Charged Batteries	2060-AA48
3008	SAR No. 1714. NESHAP: Asbestos Revision (Risk Reduction)	2060-AB51
3009	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
3010	SAR No. 2181. NESHAP:Chromium	2060-AB83
3011	SAR No. 2386. NESHAP: Chromium--Industrial Cooling Towers	2060-AC12
3012	SAR No. 2386. NESHAP: Chromium--Electroplating	2060-AC14
3013	SAR No. 2363. NESHAP: Hazardous Organics	2060-AC19
3014	SAR No. 2484 NESHAP: Ethylene Oxide from Commercial Sterilization	2060-AC28
3015	SAR No. 2557. Guideline on Air Quality Models (Revision)	2060-AC43

EPA

Clean Air Act (CAA)—Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3016	SAR No. 2491. PSD Increments for PM10	2060-AC33
3017	SAR No. 2287. Emission Standards for Light-Duty Trucks (Revision)	2060-AB85
3018	SAR No. 2384. Decision on Air Pollution Regulatory Strategies for the Gasoline Marketing Industry	2060-AC04
3019	SAR No. 1315. Trading and Banking of Heavy-duty Engine NOx and PM Emission Credits	2060-AC05
3020	SAR No. 2665 Amendments to Motor Vehicle Imports Regulations Pertaining to Canadian Vehicles	2060-AC58
3021	SAR No. 2660 Interim Cold Ambient Air Temperature Carbon Monoxide Emission Standards	2060-AC59
3022	SAR No. 2589 Revisions to the Stack Height Regulation	2060-AC60
3023	SAR No. 2373. Test Procedures for Trap-Equipped Diesel Vehicles and Engines	2060-AC08
3024	SAR No. 2431. Nonconformance Penalties for 1991 through 1994 Model Year Emission Standards for Heavy-Duty Vehicles and Engines	2060-AC39
3025	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AB53
3026	SAR No. 2637 Alternative Test Procedures for the Voluntary Aftermarket Part Certification Program	2060-AC50
3027	SAR No. 2366. Diesel Fuel Quality standards	2060-AC00
3028	SAR No. 2604 Fuel and Fuel Additives: Enforcement of Section 211(f)(4) Waivers	2060-AC53
3029	SAR No. 2240. Treatment, Storage, and Disposal Facility Area Source Air Emissions - RCRA Standards	2060-AB94

Clean Air Act (CAA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3030	SAR No. 5440 State Implementation Plans: Attainment Status Designations	2060-AC56
3031	SAR No. 1002. NAAQS: Sulfur Oxides (Revision)	2060-AA61
3032	SAR No. 1845. New Source Review Requirements -- CMA Exhibit A	2060-AA68
3033	SAR No. 2428. Federal Promulgation of State Implementation Plan to Protect Visibility	2060-AB82
3034	SAR No. 2298 New Source Review Requirements -- Surface Coal Mines and Fugitive Emissions	2060-AC40
3035	SAR No. 1618. NSPS: SOCMI Air Oxidation Process	2060-AA30
3036	SAR No. 1733. NSPS: Distillation Operations	2060-AA35
3037	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
3038	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
3039	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
3040	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
3041	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
3042	SAR No. 2559. State Implementation Plans: Approval of Post -1987 Ozone and Carbon Monoxide Plan Revisions for Areas Not Attaining the National Ambient Air Quality Standards NAAQS	2060-AB96
3043	SAR No. 2386. NESHAP: Chromium--Comfort Cooling Towers	2060-AC13
3044	SAR No. 2558. NESHAP: Benzene Reconsideration	2060-AC41
3045	SAR No. 2543. Rural Fugitive Dust Policy for PM10	2060-AC44
3046	SAR No. 2547. NESHAP: Radionuclides	2060-AC47
3047	SAR No. 1714 NESHAP for Asbestos (Compliance Revisions)	2060-AC57
3048	SAR No. 2112. Emission Standards and Test Procedures for Methanol-Fueled New Motor Vehicles	2060-AB28
3049	SAR No. 2318. Control of Excess Evaporative Emissions/Fuel Volatility	2060-AB89
3050	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54
3051	SAR No. 2145. Voluntary Aftermarket Parts Certification Regulations (Revision)	2060-AB58
3052	SAR No. 2638 Motor Vehicle Emissions Performance Warranty Short Tests	2060-AC51
3053	SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content (Revision)	2060-AB60

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3054	SAR No. 2028. NSPS: Sewage Treatment Plants (Revision)	2060-AB05
3055	SAR No. 2186. NSPS: Cement Plants (Revision)	2060-AB38
3056	SAR No. 1696. NSPS: VOC Emissions from Petroleum Refinery Wastewater Systems	2060-AB81
3057	SAR No. 2387. NSPS: Coal Preparation Plants (Review)	2060-AB84
3058	SAR No. 1928. NSPS: Magnetic Tape Manufacturing	2060-AB88
3059	SAR No. 2421. PSD Regulations for NOx	2060-AC24

EPA

Clean Air Act (CAA)—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3060	SAR No. 2416. Particulate Emission Standards for Certain 1987 and Later Model Year Light-Duty Diesel Trucks (Revision)	2060-AC18
3061	SAR No. 2385 Amendments to Selective Enforcement Auditing Regulations	2060-AC34
3062	SAR No. 2366. Diesel Fuel Quality standards	2060-AC11

Superfund (CERCLA)—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3063	SAR No. 2429. Reportable Quantities (RQs) for Substances on the Extremely Hazardous Substances List	2050-AC14
3064	SAR No. 2650 National Contingency Plan-Subpart K: A Roadmap to the NCP for Federal Facilities	2050-AC76
3065	SAR No. 2667 National Priorities List for Uncontrolled Hazardous Waste Sites - Update 8	2050-AC81
3066	SAR No. 2564. Response Claims Procedures for the Hazardous Substances Superfund	2050-AA90
3067	SAR No. 2498. Administrative Hearing Procedure for Superfund Claims	2050-AC26
3068	SAR No. 2674 Delisting Certain Chemicals from the List of Extremely Hazardous Substances (Revision)	2050-AC77
3069	SAR No. 2644 Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements; Implementation of Reporting Requirements for Indian Lands	2050-AB88

Superfund (CERCLA)—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3070	SAR No. 2336. Designation of Extremely Hazardous Substances as CERCLA Hazardous Substances	2050-AB62
3071	SAR No. 2411. Reporting Continuous Releases of Hazardous Substances	2050-AA46
3072	SAR No. 2104. Reportable Quantities for Releases of Potential Carcinogens and Other Hazardous Substances	2050-AA80
3073	SAR No. 2335. Reportable Quantities (RQs) for Releases of Radionuclides	2050-AB60
3074	SAR No. 2394. Reporting Exemptions for Federally Permitted Releases of Hazardous Substances	2050-AB82
3075	SAR No. 2538. Procedures for Planning and Implementing Off-Site Response Actions	2050-AC35
3076	SAR No. 2400. National Oil and Hazardous Substances Pollution Contingency Plan (NCP)	2050-AA75
3077	SAR No. 2566. Hazard Ranking System for Uncontrolled Hazardous Substance Releases	2050-AB73
3078	SAR No. 5358. National Priorities List for Uncontrolled Hazardous Waste Sites - Update 7	2050-AC16
3079	SAR No. 5433. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Update 5	2050-AC45
3080	SAR No. 5434. National Priorities List (NPL) for Uncontrolled Hazardous Wastes Sites - Update 6	2050-AC47
3081	SAR No. 5357. National Priorities List for Uncontrolled Hazardous Waste Sites - RCRA Sites	2050-AC48
3082	SAR No. 0932. National Priorities List for Uncontrolled Hazardous Waste Sites - Federal Facility Policy and Listing	2050-AC57
3083	SAR No. 2455. Arbitration Procedures for Small Superfund Cost Recovery Claims	2050-AC36
3084	SAR No. 2495. Citizen Awards for Information on Criminal Violations under Superfund	2050-AC38
3085	SAR No. 2401. Technical Assistance Grants to Groups of Individuals at Superfund Sites	2050-AC10
3086	SAR No. 2464. Reporting Hazardous Substances Activity When Transferring Federal Real Property	2050-AC00
3087	SAR No. 2409. Reimbursement of Local Governments for Emergency Response to Hazardous Substance Releases	2050-AC11
3088	SAR No. 2427. Worker Protection Standards for Hazardous Waste Operations and Emergency Response	2050-AC12
3089	SAR No. 2511. Administrative Hearing Procedures for Class I Civil Penalties under CERCLA and the Emergency Planning Community Right to Know Act	2050-AC37
3090	SAR NO. 2512 Administrative Hearing Procedures for Class II Penalties under CERCLA and Emergency Planning and Community Right to Know Act	2050-AC39
3091	SAR No. 2615 Prior Notice of Citizen Suits Under CERCLA and the Emergency Planning and Community Right-to-know Act	2050-AC70

EPA

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3092	SAR No. 2644 Emergency and Hazardous Chemical Inventory Forms and Community Right-to-Know Reporting Requirements; Implementation of Reporting Requirements for Indian Lands	2050-AC34

General—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3093	SAR No. 2609. Collection of Civil Penalties under Title II of the Toxic Substances Control Act, and the Asbestos Hazard Emergency Response Act	2020-AA14

General—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3094	SAR No. 2196. Denial or Restriction of Disposal Sites (Revision)	2040-AB20
3095	SAR No. 5452 Evaluation Procedure for Award of Fixed Price Contracts for Commercial Supplies and Services	2030-AA09
3096	SAR No. 5451 Contractor Compliance with Information Resources Management Directives	2030-AA10
3097	SAR No. 5449 Implementation of Federal Acquisition Regulation Coverage on Ratification of Unauthorized Commitments	2030-AA12
3098	SAR No. 2683 Payment of Fee on Term Form Contracts	2030-AA15
3099	SAR No. 2662. Amendments to Part 22 Consolidated Procedural Rules	2020-AA13
3100	SAR No. 2195. Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
3101	SAR 2536 Procedures and Requirements Implementing the National Environmental Policy Act for the Environmental Protection Agency's Research and Development Program	2030-AA14

General—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3102	SAR No. 2551. Environmental Protection Agency Acquisition Regulation (EPAAR); Submission of General Financial and Organizational Information, and Purchasing System Information by Offerors	2030-AA06
3103	SAR No. 5450 Miscellaneous Delegations from the Contracting Authority	2030-AA11
3104	SAR No. 2652. EPCRA Inspection Authority and Procedures	2020-AA15
3105	SAR No. 2218. Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistant from the EPA (Revision)	2090-AA09
3106	SAR No. 2476. Cooperative Agreements and Superfund State Contracts for Superfund Response Actions	2010-AA11
3107	SAR No. 2307. Notice Requirements for Citizen Suits under the SDWA	2040-AB59

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3108	SAR No. 2552. Amending EPA Acquisition Regulation Rules Regarding Disclosure and Use of Information in Proposals	2030-AA08
3109	SAR No. 5445 Implementation of Federal Acquisition Regulation Coverage on Prompt Payment	2030-AA13
3110	SAR No. 2553. Contracting for Expert Services under the Superfund Amendment and Reauthorization Act (SARA) of 1986	2030-AA07

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Proposed Rule Stage

2819. ● PESTICIDE REGULATIONS FOR PESTICIDAL TRANSGENIC PLANTS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 2; 7 USC 136a /FIFRA 3; 7 USC 136W /FIFRA 25; 7 USC 136c /FIFRA 5

CFR Citation: 40 CFR 152.20

Legal Deadline: None

Abstract: EPA will consider the need for an amendment to clarify that chemical pesticides produced by transgenic plants are not associated with a plant considered to be biological pest control agents and, therefore, may not be exempt from the provisions of FIFRA (the existing section 152.20 exempts from FIFRA regulation all plants that may be used as biological pest control agents). Instead, chemical pesticides produced by transgenic plants may receive regulatory oversight similar to that which is already in place for chemical pesticide products that are produced and applied by conventional means. The need for this regulation and its development will be coordinated with USDA/APHIS and other agencies, as appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2684

FTS:8-557-9307

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, **703 557-9307**

RIN: 2070–AC02

2820. RESTRICTED USE CLASSIFICATION FOR GROUNDWATER CONTAMINATING PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136d /FIFRA 6; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 152.170

Legal Deadline: None

Abstract: This rule will provide a scheme for identifying pesticides which may pose an unacceptable hazard because of the potential to leach into groundwater. The Agency will propose criteria for classifying such pesticides for restricted use. Restricted use pesticides generally may be applied only by state certified applicators.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2351.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, **703 557-3942**

RIN: 2070–AB60

2821. REGISTRATION DATA REQUIREMENTS FOR PESTICIDE PRODUCT PERFORMANCE AND COMPANION PESTICIDE ASSESSMENT GUIDELINES (REVISION)

Legal Authority: 7 USC 136a/FIFRA 3; 7 USC 136w/FIFRA 25; 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 158.640

Legal Deadline: None

Abstract: The objective in revising the regulations is to further define the Agency's requirement for pesticide producers to submit qualitative/quantitative data on the field quality performance of their pesticides or alternative non-chemical practices. These data will be incorporated into the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). It is also expected that companion revised guidelines will provide protocols and methodologies for conducting the studies necessary to produce acceptable comparative performance data. Registrants may experience very minor cost increases to support registration of pesticide products. The benefits should be substantial in the form of better and more uniform data on pesticide product performance, for use by Agency analysts. Additionally, since testing of this nature is already conducted widely, improvements in protocols, methodologies, and standardization should benefit the regulated community as well.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2567.

FTS:8-557-3691

Agency Contact: Bernard A. Schneider, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-768C), Washington, DC 20460, **703 557-3691**

RIN: 2070–AB82

2822. SALE OF RESTRICTED USE PESTICIDES TO NONCERTIFIED PERSONS

Legal Authority: 7 USC 136b /FIFRA 4; 7 USC 136j /FIFRA 12; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 171.12

Legal Deadline: None

Abstract: This action is intended to develop regulations to allow the sale of restricted use pesticides to persons who are not certified under special circumstances as set forth by Congress in 1978. Regulatory development will be coordinated with the review of state plans under FIFRA Section 4 to determine both need and compatibility with State authorities and programs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2337.

FTS: 8-557-7410

Agency Contact: Robert Bielarski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

EPA—FIFRA

Proposed Rule Stage

787C), Washington, D.C. 20460, 703 557-7410

RIN: 2070–AB48

2823. REGULATIONS ON CERTIFICATION OF PESTICIDE APPLICATORS (REVISION)

Legal Authority: 7 USC 136a /FIFRA 4; 7 USC 136b /FIFRA 4; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This action is intended to revise existing regulations on certification of pesticide applicators. The current standards and requirements may need to be updated to clarify definitions and to reflect changes in technology and current needs in State programs.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: Organizations

Government Levels Affected: State

Additional Information: SAR No. 2446.

FTS:8-557-7410

Agency Contact: John MacDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-787C), Washington, DC 20460, 703 557-7410

RIN: 2070–AB75

2824. PESTICIDE APPLICATOR CERTIFICATION FEES FOR EPA ADMINISTERED PROGRAMS

Legal Authority: 31 USC 9701/FIFRA 4

CFR Citation: 40 CFR 171

Legal Deadline: None

Abstract: This rule is intended to implement a program for assessing fees for certification and training of commercial and private applicators who apply restricted use pesticides. Fees will be collected in States with Federally-administered pesticide certification and training programs, and will cover the costs of administering such programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2406.

FTS:8-557-7410

Agency Contact: John MacDonald, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-787C), Washington, DC 20460, 703 557-7410

RIN: 2070–AB76

2825. AMENDMENTS TO EXPERIMENTAL USE PERMIT RULE FOR CERTAIN MICROBIAL PESTICIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136 /FIFRA 4

CFR Citation: 40 CFR 172

Legal Deadline: None

Abstract: EPA proposes to amend its experimental use permit regulations for pesticides to clarify the circumstances under which an experimental use permit is presumed not to be required and to specify that the presumption is based on risk. EPA also proposes to require notification before initiation of small-scale testing of certain genetically modified microbial pesticides. Each notification will be reviewed by the Agency, and a determination made as to whether an experimental use permit will be required. Environmental Bioassay Committees approved by EPA may participate in the review process. This notification scheme would implement provisions of the Agency's policy statement of June 26, 1986 (51 FR 23302), with some modifications, and is intended to provide sufficient oversight of the early testing of these microbial pesticides to mitigate any adverse human health or environmental effects.

Timetable:

Action	Date	FR Cite
NOTICE	02/15/89	54 FR 7026
NPRM	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2445.

FTS:8-557-9307

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-9307

RIN: 2070–AB77

2826. POLICY ON ADVERTISING CLAIMS MADE FOR REGISTERED PRODUCTS

Legal Authority: 7 USC 136j /FIFRA 12

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: This rule interprets FIFRA section 12(a)(1)(B) which provides for the regulation of claims made when advertising registered pesticide products. The rule will establish standards for acceptable advertising claims with respect to claims made about the safety of the product.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2554.

FTS:8-557-7443

Agency Contact: Jean Jenkins, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), 703 557-7443

RIN: 2070–AB88

2827. REGULATIONS ON STORAGE, TRANSPORTATION, AND DISPOSAL OF PESTICIDES

Significance: Regulatory Program

Legal Authority: 7 USC 136q/FIFRA 19

CFR Citation: 40 CFR 165

Legal Deadline: Final, Statutory, December 24, 1991. Other, Statutory, December 24, 1990.
Regulations on container design and rinsate handling, as a part FIFRA 88, required by 12/24/91. Container study required - Report to Congress by 12/24/90.

Abstract: The 1988 amendments to FIFRA significantly expand EPA authority to regulate the storage, transportation, and disposal of pesticides. The Agency may exercise this authority through data requirements for pesticide registration, labeling provisions, procedures for

recall of cancelled products, and other regulations for storage, transport, and disposal of pesticides, containers, and materials contaminated by pesticide residues.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2659

FTS:8-557-0481

Agency Contact: Bob Denny, Environmental Protection Agency, Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Pesticides and Toxic Substances (TS-766C), Washington, D.C. 20460, **703 557-0481**

RIN: 2070–AB95

2828. CHILD-RESISTANT PACKAGING REGULATIONS (REVISION)

Legal Authority: 7 USC 136/FIFRA 25

CFR Citation: 40 CFR 157; 16 CFR 1700.15; 16 CFR 1700.20

Legal Deadline: None
EPA regulations should be concurrent with CPSC.

Abstract: These regulations will revise current Child Resistant Packaging regulations (CRP) to be consistent with 6 CRP protocol testing revisions the CPSC is proposing for its CRP regulations. Also, these regulations will discuss the implementation of these changes in terms of pesticide registrations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2639

FTS: 8-557-7700

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, **703 557-7700**

RIN: 2070–AB96

2829. ● RESPONSES TO PETITIONS RECEIVED TO ADD TO OR DELETE CHEMICALS FROM THE LIST OF TOXIC CHEMICALS UNDER SECTION 313 OF SARA

Legal Authority: 42 USC 11013 SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: NPRM, Statutory, 00/00/00. Other, Statutory, 00/00/00. For each of these petitions the Agency must either initiate rulemaking or provide an explanation for the denial in the Federal Register.

Abstract: These are various actions to grant or deny petitions received to add to or delete chemicals from the list of toxic chemicals under Section 313 of SARA. The Agency has 180 days to respond to petitions. At the end of 180 days, EPA must either grant the petition by initiating rulemaking or deny the petition with an explanation in the Federal Register.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2695

FTS: 8-382-3667

Agency Contact: Susan Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, **202 382-3667**

RIN: 2070–AC00

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Final Rule Stage

2830. FOOD ADDITIVE REGULATIONS CONCERNING PESTICIDE RESIDUES: PROCEDURAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 21 USC 346a/FFDCA 408; 21 USC 348/FFDCA 409

CFR Citation: 40 CFR 180

Legal Deadline: None

Abstract: This regulation will set forth procedures for which food additive tolerances, required by section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), may be established, modified or revoked. The proposal also covers procedural rules governing the filing of objections, requests for hearings and hearing procedures. In the second phase, which will overlap the first, the Agency plans to develop a unified regulation that will deal with the substantive interpretations and criteria for deciding when tolerances or food additive regulations are needed, what data are needed to support a tolerance or food additive regulation and what criteria assumptions will be used by EPA to determine whether a tolerance or food additive regulation should be established, modified, or revoked.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 41126
NPRM Comment Period End	12/19/88	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2444.

FTS:8-557-7700

Agency Contact: Rosalind L. Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

767C), Washington, DC 20460, 703 557-7700

RIN: 2070–AB78

2831. LABELING REQUIREMENTS FOR PESTICIDES AND DEVICES (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136d /FIFRA 6; 7 USC 136w /FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 167

Legal Deadline: None

Abstract: This regulation will revise and expand the labeling requirements for pesticide products and devices. The revisions will provide for pesticide producers a comprehensive description of pesticide labeling requirements, and will result in better quality pesticide labeling for users.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37959
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2289.

FTS: 8-557-0944.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-0944

RIN: 2070–AB46

2832. FIFRA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 7 USC 136a /FIFRA 3; 7 USC 136w /FIFRA 25; 21 USC 346a; 21 USC 348; 21 USC 371

CFR Citation: 40 CFR 160

Legal Deadline: None

Abstract: This action will expand the scope of the FIFRA Good Laboratory Practices (GLPs) to include 1) additional types of testing not covered by the current 40 CFR 160 and certain changes from the recent FDA GLP regulation amendments. Specifically, environmental fate, certain other chemistry tests, ecological effects and efficacy (as required by 40 CFR 158.160) are among the types of tests to be added.

Timetable:

Action	Date	FR Cite
NPRM	12/26/87	52 FR 48920
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1703.

FTS:8-382-7825

Agency Contact: Richard J. Mahler, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7825

RIN: 2070–AB68

2833. REPORTING REQUIREMENTS FOR RISK/BENEFITS INFORMATION

Legal Authority: 7 USC 136d/FIFRA 6

CFR Citation: 40 CFR 153

Legal Deadline: None

Abstract: FIFRA Section 6(a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In September 1985, EPA revised its 1979 section 6(a)(2) enforcement policy by publishing a notice which expanded upon the types of factual information which must be reported and established uniform timeframes for compliance. In response to comments received on this notice, the Agency is revising it to clarify the types of information which registrants must report to EPA.

Timetable:

Codified Interpretive Rule
Final Action 09/20/85 (50 FR 38115)
Enforcement Policy
Final Action 07/12/79 (44 FR 40716)
Interpretive Rule
Final Action 08/23/78 (43 FR 37611)
Revised Codified Interpretive Rule
Final Action 04/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2338.

FTS: 8-557-3942

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, D.C. 20460, 703 557-3942

RIN: 2070–AB50

2834. WORKER PROTECTION STANDARDS (REVISION)

Significance: Regulatory Program

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136j/FIFRA 26; 7 USC 136w(a)/FIFRA 25

CFR Citation: 40 CFR 156; 40 CFR 170

Legal Deadline: None

Abstract: The Worker Protection Standards for agricultural pesticides will be revised to reflect new and developing requirements for the registration, reregistration and use of pesticides. The current standards need to be revised in order to increase the scope of coverage, update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	07/08/88	53 FR 25970
Final Action	07/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Agency Contact: Patricia Breslin, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757C), Washington, DC 20460, 703 557-7666

RIN: 2070–AA49

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Completed Actions

2835. ADVERTISING OF UNREGISTERED PESTICIDES, UNREGISTERED USES OF REGISTERED PESTICIDES AND FIFRA 24(C) REGISTRATIONS

CFR Citation: 40 CFR 153.12; 40 CFR 166.7

Completed:

Reason	Date	FR Cite
Final Action Interpretive Rulemaking	01/11/89	54 FR 1122

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Franklin Gee 703 557-9089

RIN: 2070–AB47

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Prerule Stage

2836. ● SCRAP METAL RECYCLING REGULATORY CONTROLS

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: Scrap metal recycling industry processing, distribution in commerce, and disposal activities are resulting in some releases of PCBs (and other hazardous substances such as lead) at levels exceeding current regulatory controls. The problem may affect all media (air, land, and water) and several hazardous materials and therefore will be best addressed by a broad mandate to evaluate the environmental regulatory options using cost/benefit analysis. The objective of the proposed rulemaking is twofold: 1) to provide relief to the shredding industry by proposing to authorize PCB-related activities that do not present unreasonable risks, and 2) to consider mechanisms under TSCA for reducing risks posed by other materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2654

FTS: 8-382-3866

An RIA and an RFA would not be statutorily required for this regulation because the rule would grant relief from the Toxic Substances Control Act (TSCA) processing, distributions in commerce and disposal requirements rather than impose addi- tional burdens on the regulated community. Nevertheless, we do plan to assess the economic impact of any proposed actions on industry, particularly small businesses, as part of our unreasonable risk analysis for TSCA.

Agency Contact: Martin P. Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070–AC01

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Proposed Rule Stage

2837. TOXIC CHEMICAL "PEAK RELEASE" REPORTING RULE (REVISION)

Legal Authority: 42 USC 11013 /SARA 313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action proposes to add a "peak release" reporting element to the Toxic Chemical Release Inventory Reporting Form. Reporting of releases is of annual aggregate releases to all environmental media. The proposal addresses the issue of obtaining a more specific indication of this frequency and/or duration of releases in order to better assess risks to health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2555.

FTS:8-382-3667

Agency Contact: Susie Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, 202 382-3667

RIN: 2070–AB86

2838. ● MODIFICATION OF TOXIC RELEASE REPORTING UNDER SARA 313, TITLE III

Legal Authority: 42 USC 11013/SARA 0313

CFR Citation: 40 CFR 372

Legal Deadline: None

Abstract: This action proposes to add ten chemicals to the list of toxic chemicals under Section 313 of SARA. The addition of nine of these substances is based on concerns for carcinogenicity and chronic toxicity as reflected in determinations made under Section 102 of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA). EPA believes that these chemicals meet the criteria for addition to the list of toxic substances as established in Section 313(d)(2). EPA is also proposing a modification to include

toluenediisocyanate (mixed isomers) on the same concern of health and environmental effects as the individual isomers already on the list.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2658

FTS:8-382-3667

Agency Contact: Susan Hazen, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-779), Washington, DC 20460, **202 382-3667**

RIN: 2070–AB98

2839. DECISIONS ON TEST RULES: PROPOSED RULES

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: Other, Statutory. 12-month statutory deadline for ITC-designated chemicals

Abstract: The following table lists chemicals for which EPA will initiate rulemaking to require testing, obtain testing through negotiated consent orders, or publish a notice which provides the reasons for not doing so. The list includes chemicals which have been designated for priority testing consideration by the Interagency Testing Committee as well as those chemicals (i.e., recommended and non-designated chemicals) for which the 12-month statutory requirement does not apply. The list also includes chemicals or categories of chemicals which have been identified for testing consideration by other EPA program offices and through EPA review processes.

Timetable:

Acid Blue 40 (ITC List 21) (SAR 5385)
NPRM 04/00/89
Acid Blue 45 (ITC list 21) (SAR 5386)
NPRM 04/00/89
Acrylates (SAR 5368)
NPRM 12/00/89
Aryl Phosphates (ITC List 2) (SAR 5369)
NPRM 12/00/89
Aryl Phosphates (ITC List 2)(SAR 5369)
ANPRM 12/29/83 (48 FR 57452)
C.I. Disperse Blue 79 (ITC List 19)(SAR 5370)
NPRM 12/00/89
Commercial Hexane (ITC List 16) (SAR 5389)
NPRM 11/09/88 (53 FR 45289)
Crotonaldehyde (ITC List 22) (SAR 5454)
NPRM 12/00/89
Disperse Blue 56 (ITC List 21) (SAR 5387)
NPRM 04/00/89
Disperse Red 60 (ITC List 21) (SAR 5388)
NPRM 12/00/89
Ethoxylated Quaternary Ammonium Compounds (SAR 5456)
NPRM 12/00/89
Glycidols (ITC List 3) (SAR 5375)
NPRM 10/00/89
Hexamethylene Diisocyanate (ITC List 22)(SAR 5453)
NPRM 04/00/89
Imidazolium Quaternary Ammonium Compounds (SAR 5455)
NPRM 12/00/89
Isopropanol (ITC List 19) (SAR 5376)
NPRM 03/16/88 (53 FR 8638)
Methyl Ethyl Ketoxime (ITC List 19) (SAR 5377)
NPRM 09/15/88 (53 FR 35838)
Methylolurea (ITC List 12)
NPRM 12/00/89
Methylolurea (ITC List 12) (SAR 5379)
ANPRM 05/21/84 (49 FR 21371)
Nonylphenol (SAR 5380)
NPRM 09/00/89
1,1,1-Trichloruethane (muta/neuro) (ITC List 2) (SAR 5384)
NPRM 06/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SEE SAR NUMBER LISTED NEXT TO EACH ACTION

FTS: 8-475-8130.

The following rules were deleted from the NPRM list of Test Rules: Anthroquinone Dyes (SAR 5367); Ethylbenzene (ITC List 20) (SAR 5373); Glycidols (ITC List 3) (SAR 5375); Oleyamine (Pharmocokinetics) (ITC List 13) (SAR 5381)

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 475-8130**

RIN: 2070–AB07

2840. SARA SECTION 110 CHEMICALS GENERIC TEST RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: The regulation will set forth the policies and procedures for using the TSCA Section 4 testing authority to obtain toxicity and chemical fate testing to fill certain data needs identified in toxicity profiles of chemicals prepared pursuant to Section 110 of the Superfund Amendments and Reauthorization Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2563.

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 475-8130**

RIN: 2070–AB79

2841. ● AMENDMENTS TO TEST RULES AND CONSENT AGREEMENTS

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This action will amend the testing consent order process to increase its efficiency. The consent order process was adopted by the Agency in June 1986. Based on experience to date, the Agency needs to make changes in the process to reduce the resources required for consent order negotiation. This rule would propose appropriate procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2657

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB97

2842. CHEMICAL SPECIFIC SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, import, processing, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture, import, or process the substance without controls. Therefore, EPA by rule, designates manufacture, import, or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur without an opportunity for prior Agency review.

Timetable:

(83-906/908/909/910)
NPRM 09/28/84 (49 FR 38303)
(84-274) (see additional information for title) (SAR 5407)
NPRM 08/26/85 (50 FR 34505)
Final Action 06/00/89
(85-1176) (see additional information for title) (SAR 5404)
NPRM 06/00/89
(85-544) (see additional information for title) (SAR 5408)
NPRM 06/00/89
(85-564) (see additional information for title) (SAR 5405)
NPRM 06/00/89
(85-703) (see additional information for title) (SAR 5406)
NPRM 06/23/86 (51 FR 22831)
Final Action 06/00/89
Alkyl Aryl Phosphine (83-1023) (SAR 5413)
NPRM 09/20/84 (49 FR 36880)
Final Action 06/00/89
Alkyl Glycoether Acrylic Acid Derivative (84-27) (SAR 5414)
NPRM 12/24/84 (49 FR 49868)
Final Action 06/00/89
Brominated Aryl Alkyl Ether, Ethylated Amino (SAR 5415)
NPRM (83-906/908/909/910) 09/28/84 (49 FR 38303)
Final Action 06/00/89
Certain Acrylate and Methacrylate Chemicals (SAR 5416)
NPRM 03/27/85 (50 FR 12046)
Final Action 06/00/89
Certain Acrylate Chemicals (84-341-344) (SAR 5417)
NPRM 04/04/86 (51 FR 11591)
Final Action 06/00/89
Methylammonium n-Methyldithiocarbamate (84-1042) (SAR 5418)
NPRM 03/24/86 (51 FR 10027)
Final Action 06/00/89
N,N,N'N'-Tetrakis (oxiranylmethyl) (SAR 5420)
NPRM (84-7) 01/13/86 (51 FR 1396)
Final Action 06/00/89
Polyol Polyacrylate (85-718) (SAR 5419)
NPRM 06/00/89
Substituted Benzene, Halogenated (85-612) (SAR 5421)
NPRM 06/00/89
Substituted Benzene, Halogenated (84-660 and 84-704) (SAR 5422)
NPRM 03/18/86 (51 FR 9221)
Final Action 06/00/89
Substituted Bromothiophene (83-769) (SAR 5423)
NPRM 09/28/84 (49 FR 38310)
Final Action 06/00/89
Substituted Methylpyridine (83-237)(SAR 5424)
NPRM 02/06/84 (49 FR 4390)
Final Action 06/00/89
Substituted Polyester Resin (85-395)(SAR 5425)
NPRM 00/00/00
Substituted Tetrafluoro Alkanes (84-105/106/107) (SAR 5426)
NPRM 03/21/85 (50 FR 11384)
Final Action 06/00/89
2-Butenedioic Acid(z), (85-543) (SAR 5427)
NPRM 00/00/00
2-Propenoic Acid-3-Dimethylamino)-2,2-Dimethyl-Propyl (SAR 5428)
NPRM 00/00/00
2-Propenoic Acid, (85-546) (SAR 5429)
NPRM 00/00/00
2-Propenoic Acid, 3,3,5-Trimethylcyclohexylester (SAR 5430)
NPRM 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SEE SAR NUMBER LISTED NEXT TO EACH ACTION

FTS:8-382-3771.

(85-1176) Alcohols, C1-4, ethers with Polyethylent-polypropylene glycol mono (2-aminopropyl) ether, polymer with maleic anhydride and trimethylolpropane triacrylate

(85-564) Isocyanic acid, polymethylene-polyphenylene ester, polymer with 1,1-methylenebis ;4-isocyanatobenzene; 2-hydroxyethyl acrylate-blocked

(85-703) Poly 2-hydroelectric melamine, polymers with 5-isocyana to 1-isocyanatomethyl-1,3,3-trimethylcyclohexane 2-hydroxyethyl acrylate-blocked

(84-274) Poly[oxy-1,4-butanediyl)-alpha-(1-oxo-2-propenyl) -omega-{(1-oxo-2-propenyl)-oxy}

(85-544) 2-Propenoic Acid, 2-Methyl-7,7,9-Trimethyl-4,13-dioxo- 3,14-Dioxo-t,12-Diazahexadecane,1.16-Diyl Ester

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3771

RIN: 2070–AB27

2843. GENERIC SIGNIFICANT NEW USE RULE FOR ACRYLATE COMPOUNDS

Legal Authority: 15 USC 2694 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: The generic acrylate significant new use rule may require any person who proposes to manufacture, import, or process an acrylate/methacrylate subject to the category definition contained within the proposed rule to notify EPA at least 90 days in advance of the initiation of a significant new use. The significant new use rule will apply to a subset of acrylates and methacrylates added to the inventory after the effective date of the rule. It will no longer be necessary to issue routine 5(e) orders or chemical specific SNURs for those acrylates covered by the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2247.

FTS: 8-382-3771

Agency Contact: Jane Talarico, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

794), Washington, D.C. 20460, 202 382-3771

RIN: 2070–AB56

2844. RULEMAKING CONCERNING CERTAIN MICROBIAL PRODUCTS ("BIOTECHNOLOGY")

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 720; 40 CFR 721

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act, the agency is proposing two separate regulatory actions for manufacturers, importers, and processors of certain microbial products of biotechnology. Under section 5, the Agency is proposing to amend its definition of "small quantities solely for research and development" contained in the Premanufacture Notification (PMN) Rule, thereby requiring persons to submit notices prior to testing new microorganisms in the environment. This amendment will require reporting for new microorganisms and will establish a special notification mechanism for experimental releases of microorganisms. EPA also is proposing significant new use notification requirements under section 5(a)(2), which would ensure that EPA will receive for review, notices of large scale releases of other microorganisms developed for significant new uses, and will review small-scale environmental releases, possibly with assistance from environmental biosafety committees (EBCs), peer review committees to be sponsored by researchers and accredited by EPA. (ABSTRACT CONTINUED UNDER ADDITIONAL INFORMATION)

Timetable:

Action	Date	FR Cite
NOTICE	02/15/89	54 FR 7027
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT: The primary objective of these actions is to ensure uses of microorganisms in the environment do not affect human health and the environment in unforeseen and possible harmful ways.

SAR No. 2325 (SNUR for Certain Biotech Products); 2326 (PMN for Certain Biotech Products)

FTS:8-382-3856

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3856

RIN: 2070–AB61

2845. PROPOSAL TO EXEMPT CERTAIN MICROORGANISMS FROM PMN REQUIREMENTS UNDER TSCA 5(H)(4)

Significance: Regulatory Program

Legal Authority: 15 USC 1504/TSCA 5

CFR Citation: 40 CFR 723

Legal Deadline: None

Abstract: Under the authority of the Toxic Substances Control Act, the Agency will propose to exempt from review new microorganisms used in certain contained systems. The Agency considers it a priority to exempt from consideration organisms that can be shown to meet the statutory requirements under section 5(h)(4) of TSCA. To meet those requirements, it must be shown that the substances will not present unreasonable risks. EPA is considering public comment received and other evidence concerning use of microorganisms in closed systems and other controlled environments to determine whether those categories satisfy the requirements of section 5(h)(4) of TSCA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: SAR No. 2561.

FTS:8-382-3856

Agency Contact: Ron Evans, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3856

RIN: 2070–AB89

2846. REGULATORY INVESTIGATION OF FORMALDEHYDE

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Legal Deadline: None

Abstract: As described in the Federal Register on May 23, 1984, the Agency has been investigating regulatory options for the reduction of three categories of exposure to formaldehyde: 1) residents exposed to formaldehyde emissions from wood products used in the construction of manufactured homes: 2) similarly exposed residents of conventional homes: 3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. Because OSHA proposed a standard in December 1985 that applies to all occupational exposure, EPA has terminated its investigation with respect to apparel manufacturing employees. Investigation of risks from exposure to formaldehyde emissions from wood products is being conducted in consultation with HUD and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/ or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
Section 9(d) and Notice of Termination for Apparel Workers	03/19/86	51 FR 9469
Section 9 Report, NPRM, or Statement of No Unreasonable Risk Regarding Wood Products	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2146.

FTS: 8-382-2134.

EPA—TSCA

Proposed Rule Stage

Agency Contact: George Semeniuk, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-2134**

RIN: 2070–AB14

2847. REGULATORY INVESTIGATION OF CHLORINATED SOLVENTS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 754

Legal Deadline: None

Abstract: EPA, in consultation with the Consumer Product Safety Commission, Occupational Safety and Health Administration, and Food and Drug Administration, is developing a comprehensive and integrated strategy for a regulatory investigation of methylene chloride and five other chlorinated solvents. In some cases, these chlorinated solvents are competitive and can be easily substituted for each other in a number of uses. The integrated effort is being conducted to reach general agreement on the risks associated with the solvents and to avoid ineffective risk management actions that may occur due to solvent switching or pollutant transfer among media which could be caused by piecemeal regulation. Data are being gathered for six solvents (methylene chloride, perchloroethylene, trichloroethylene, methyl chloroform, carbon tetrachloride, and CFC-113) and their potential substitutes. This regulatory investigation is focused on three major use categories: metal cleaning, paint stripping, and aerosol application. The investigation will determine whether coordinated regulatory controls are needed to eliminate or reduce exposure to these solvents.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/85	50 FR 42037
NPRM (Metal Cleaning)	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2284.

FTS: 8-382-3945.

Agency Contact: Larry Dorsey, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3777**

RIN: 2070–AB41

2848. PROCEDURES AND CRITERIA FOR TERMINATION OF POLYCHLORINATED BIPHENYL DISPOSAL PERMITS

Legal Authority: 15 USC 2605/TSCA 6; 5 USC 556 et seq

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under section 6(e) of TSCA, the Agency is considering establishing uniform procedures and criteria for the revocation of TSCA disposal permits. The regulation would establish uniform revocation procedures and criteria and thereby ensure consistency in permit revocation proceedings.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2560.

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3866**

RIN: 2070–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Final Rule Stage

2849. NEGOTIATED CONSENT/PROCEDURAL TEST RULE (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Legal Deadline: None

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) to allow for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology) and adds consent orders as a means of obtaining test data required under Section 4 of TSCA. In addition, this rule will simplify the procedures governing the development and implementation of testing requirements under 2-phase rulemaking, and amend the current procedures governing modification of test standards and schedules for tests required under test rules and testing consent agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/85	50 FR 20652
Interim Final Rule	06/30/86	51 FR 23706
Interim Final Rule (Technical Modification)	09/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 475-8130**

RIN: 2070–AB30

2850. TSCA GOOD LABORATORY PRACTICE STANDARDS (REVISION)

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 792

Legal Deadline: None

EPA—TSCA

Final Rule Stage

Abstract: This action would expand the scope of the existing rule to include: 1) testing conducted in the field which is not covered by the current 40 CFR 792, 2) TSCA section 4 consent agreements, 3) certain changes in the FDA GLP regulation amendment.

Timetable:

Action	Date	FR Cite
NPRM	12/28/87	52 FR 48933
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1886.

FTS:8-382-7825

Agency Contact: Richard J. Mahler, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7825

RIN: 2070–AB65

2851. DECISION ON TEST RULES: FINAL RULES

Legal Authority: 15 USC 2603 /TSCA 4

CFR Citation: 40 CFR 799

Legal Deadline: None

Abstract: The following table lists chemicals for which EPA has issued proposed test rules and will take final action under TSCA section 4. The Agency defines final action as promulgation of a test rule or withdrawal of a proposed test rule. (See also Decisions on Test Rules: Proposed Rules under RIN: 2070-AB07.)

Timetable:

Alkyl Phthalates (Enviro)(ITC List 1)(SAR 5365)
Final Action 10/29/87 (52 FR 41593)
Anilines (ITC List 4) (SAR 5366)
ANPRM 01/02/84 (49 FR 108)
Final Action 08/19/88 (53 FR 31804)
Cumene (ITC List 15) (SAR 5390)
NPRM 05/15/87 (52 FR 7854)
Final Action 07/27/88 (53 FR 28195)
Cyclohexane (ITC List 18) (SAR 5391)
NPRM 05/20/87 (52 FR 19096)
Cyclohexane(ITC List 18) (SAR 5391)
Final Action 06/00/89
Diethylene glycol butyl ether acrylate (ITC List 13) (SAR 5392)
ANPRM 11/19/84 (49 FR 45606)
NPRM 04/04/86 (51 FR 27880)
Final Action 02/26/88 (53 FR 5932)
Diisodecyl Phenyl Phosphate (ITC List 17) (SAR 5371)
Final Action 02/24/89 (54 FR 8112)
Hexafluoropropylene Oxide (ItC List 2) (SAR 5395)
Final Action 04/00/89
Hexafluoropropylene Oxide (ITC List 2) (SAR 5395)
NPRM 12/30/83 (48 FR 57686)
Isopropanol (ITC List 19) (SAR 5376)
NPRM 03/16/88 (53 FR 8638)
Final Action 00/00/00
Mercaptobenzoethiazole (ITC List 15) (SAR 5396)
NPRM 11/06/87 (52 FR 53160)
Final Action 09/07/88 (53 FR 34514)
Methyltert-butyl ether (ITC List 19)(SAR 5378)
Final Action 03/31/88 (53 FR 10391)
Octamethylcyclotetrasiloxane (ITC List 15) (SAR 5398)
NPRM 10/30/85 (50 FR 45123)
Final Action 01/11/89 (54 FR 818)
Oleylamine (Test Standards) (ITC List 13) (SAR 5399)
NPRM 06/24/87 (52 FR 31962)
Final Action 12/01/88 (53 FR 48542)
OSW Generic Test Rule (SAR 5400)
NPRM 05/29/87 (52 FR 20336)
Final Action 06/15/88 (53 FR 22300)
Pentabromoethylebenzene (ITC List 15) (SAR 5401)
NPRM 11/13/85 (50 FR 46785)
Final Action 04/00/89
Phenylenediamines (ITC List 6) (SAR 5382)
NPRM 01/06/86 (51 FR 472)
NPRM 01/14/88 (53 FR 913)
Final Action 12/00/89
Tributyl Phosphate (ITC List 19) (SAR 5383)
Final Action 12/00/89
Triethylene glycol monomethyl, monoethyl (SAR 5402)
NPRM 05/15/86 (51 FR 17883)
Final Action 00/00/00
Vinylidene Chloride (SAR 5403)
NPRM 08/12/86 (51 FR 28840)
Final Action 00/00/00
2,6 Di-tert-butylphenol (ITC List 18)(SAR 5394)
NPRM 06/25/87 (52 FR 23862)
Final Action 04/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SEE SAR NUMBER LISTED NEXT TO EACH ACTION

FTS:8-475-8130

Agency Contact: Richard Troast, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 475-8130

RIN: 2070–AB94

2852. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published on at least the chemicals listed below.

Timetable:

Aromaticdiamine and Polyimide Precursors
NPRM 00/00/00
Ethylenediaminetetra (Methylenephosphonic Acid) and its Salts
NPRM 04/29/88 (53 FR 15428)
Final Action 10/02/88 (53 FR 41335)
Pentabromoethylbenzene
NPRM 11/22/88 (53 FR 47228)
Final Action 08/04/89
4-Chloro-2-methylbenzenamine
NPRM 11/16/88 (53 FR 36079)
Final Action 05/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1923.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070–AA58

2853. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Legal Deadline: None

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals.

Timetable:

Alkyl, Sulfonic Acid, Ammonium Salt (84-1056)
NPRM 06/11/86 (51 FR 21199)
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Diphenyl-2,4,6-Trimethylbenzol Phosphine Oxide (87-586)
NPRM 02/02/88 (53 FR 2857)
Final Action 00/00/00

1-Decanimine-N-Decyl-N-Methyl-N-Oxide (86-566)
NPRM 12/08/87 (52 FR 46496)
Final Action 00/00/00

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1976.

FTS: 8-382-3771.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, 202 382-3771

RIN: 2070–AA59

2854. PROCEDURAL RULE FOR EXPEDITED NEW CHEMICAL FOLLOW-UP

Significance: Regulatory Program

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Legal Deadline: None

Abstract: This rulemaking would establish criteria and procedures by which certain chemicals could be administratively added to or withdrawn from a list of chemicals subject to section 5(a)(2) of TSCA. This would reduce the time and resources required to regulate individual chemicals under the new chemical follow-up program.

Timetable:

Action	Date	FR Cite
NPRM	04/29/87	52 FR 15594
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2375.

FTS:8-382-3771

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3771

RIN: 2070–AB64

2855. POLYCHLORINATED BIPHENYLS (PCBS): APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	08/24/88	53 FR 32326
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2150.

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, 202 382-3866

RIN: 2070–AB20

2856. ACTION CONCERNING COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS

Significance: Regulatory Program

Legal Authority: 15 USC 2605 / TSCA 6

CFR Citation: 40 CFR 763

Legal Deadline: None

Abstract: Asbestos is a known human carcinogen. Persons are exposed to asbestos from releases to the environment during all phases of the lifecycle of asbestos products. Because of the serious risk presented to many people from exposure to asbestos during the lifecycle of asbestos products, EPA has proposed a rule under Section 6 of TSCA to ban certain asbestos products for which substitutes are currently available and to phase out all or most asbestos mining and importation over 10 years.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
NPRM	01/29/86	51 FR 3738
Final Action	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2296.

FTS: 382-3862.

Agency Contact: John Rigby, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3862

RIN: 2070–AB29

2857. PCB NOTIFICATION AND MANIFESTING RULE

Significance: Regulatory Program

Legal Authority: 15 USC 2605/TSCA 6; 15 USC 2607/TSCA 8

CFR Citation: 40 CFR 761

Legal Deadline: None

Abstract: Under the authority of TSCA, EPA is considering rulemaking which would require that all PCB wastes be manifested for disposal. The purposes of the regulation would be 1) to obtain information about handlers and storers of PCB wastes; and 2) to track shipment of wastes containing PCBs. The rulemaking will also consider imposing new requirements on commercial storers of PCB wastes.

Timetable:

Action	Date	FR Cite
NPRM	09/26/88	53 FR 37436
Final Action	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2550.

FTS:8-382-3866

Agency Contact: Martin Halper, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-

EPA—TSCA **Final Rule Stage**

798), Washington, DC 20460, 202 382-3866

RIN: 2070–AB83

2858. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULES

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule (40 CFR Part 712). These chemicals are identified by OTS, other EPA offices, and other Agencies, as well as chemicals recommended by the Interagency Testing Committee (ITC) on the TSCA Section 4(e) priority list. Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions.

Timetable:

Pesticide Inerts
NPRM 05/14/87 (52 FR 18245)
Final Action 02/28/89 (54 FR 8484)
23rd ITC List Chemicals
Final Action 11/16/88 (53 FR 18211)
24th ITC List Chemicals
Final Action 05/00/89

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2178.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20640, 202 382-3436

RIN: 2070–AB08

2859. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULES

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Legal Deadline: None

Abstract: These rules add chemicals to the list of chemicals and mixtures subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. These chemicals are identified by OTS, other EPA offices, other Agencies, as well as chemicals recommended by the Interagency Testing committee (ITC) on the TSCA Section 4(e) Priority List. Manufacturers, importers, and processors of listed substances must submit unpublished health and safety data on those listed substances.

Timetable:

Health and Safety Data Reporting Period Terminations
Final Action 09/00/88 (53 FR 38642)
Pesticide Inerts
NPRM 05/14/87 (52 FR 18245)
Final Action 02/28/89 (54 FR 8484)
23rd ITC List Chemicals
Final Action 11/00/88 (53 FR 18211)
24th ITC List Chemicals
Final Action 05/00/89

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 1139.

FTS: 8-382-3938.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, 202 382-3436

RIN: 2070–AB11

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Toxic Substances Control Act (TSCA)

Completed Actions

2860. SARA SECTION 110 CHEMICALS GENERIC TEST RULE

Significance: Regulatory Program

CFR Citation: 40 CFR 790

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2070-AB79		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Troast 202 475-8130

RIN: 2070–AB84

2861. PROCEDURAL RULE FOR EXPEDITED NEW CHEMICAL FOLLOW-UP

Significance: Regulatory Program

CFR Citation: 40 CFR 721

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2070-AB64		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John Bowser 202 382-3771

RIN: 2070–AB67

2862. PCB SPILL CLEANUP RECORDKEEPING RULE

CFR Citation: 40 CFR 761

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martin Halper 202 382-3866

RIN: 2070–AB45

2863. TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Significance: Regulatory Program

CFR Citation: 40 CFR 712

Completed:

Reason	Date	FR Cite
Final Action	12/22/88	53 FR 51698

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barbara Ostrow 202 382-3938

RIN: 2070–AB13

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Proposed Rule Stage

2864. ● WATER QUALITY STANDARDS - REVISION

Significance: Agency Priority

Legal Authority: 33 USC 1313(c) /CWA 303(c)

CFR Citation: 40 CFR 131

Legal Deadline: None

Abstract: This action will establish requirements for the adoption of criteria for toxic pollutants in water quality standards pursuant to Section 303(c)(2)(b) of the CWA, thus bringing the water quality standards regulation into compliance with the CWA, as amended by the water quality act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	
Final Action	09/30/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2497

Agency Contact: David K. Sabock, Environmental Protection Agency, Water, 401 M St., S.W. (WH585), Washington, D.C. 20460, 202 475-7315

RIN: 2040–AB56

2865. PHARMACEUTICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Legal Deadline: None

Abstract: The Agency will reformulate NSPS as appropriate concurrent with rulemaking to amend BAT and PSES in accordance with future Agency action on 304(m).

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
NPRM NSPS	10/27/83	48 FR 49832
Final Action	10/27/83	48 FR 49808
NOTICE	11/01/83	48 FR 50322
NOTICE	01/10/84	49 FR 1190
NPRM BCT Cost	03/09/84	49 FR 8967
NOTICE	04/26/84	49 FR 17978
NOTICE New Data	07/02/84	49 FR 27145
NOTICE	01/31/85	50 FR 4513
NOTICE	05/01/85	50 FR 18486
NOTICE New Data	09/09/85	50 FR 36638
Final Action BCT	12/16/86	51 FR 45094
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7182

RIN: 2040–AA13

2866. NON-FERROUS MANUFACTURING (PHASE II)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 421

Legal Deadline: None

Abstract: The Agency will propose and promulgate amendments to the regulation previously promulgated on September 20, 1985 (50 FR 38276). These amendments are in response to settlements with six petitioners and will affect six subcategories, primary beryllium subcategory, primary molybdenum and rhenium subcategory, second molybdenum and vanadium subcategory, secondary precious metals subcategory and secondary tungsten and cobalt subcategory. The amendments will revise BPT, BAT, NSPS, and standards for pretreatment to limit the discharge of pollutants from these subcategories.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2583.

FTS:8-382-7126

Agency Contact: Ernst P. Hall, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7126

RIN: 2040–AB31

2867. EFFLUENT GUIDELINES FOR PESTICIDES CHEMICALS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Legal Deadline: Final, Statutory, December 31, 1986.
Date contained in Water Quality Act of 1987

Abstract: On October 4, 1985 the EPA promulgated a final regulation establishing BAT, NSPS, PSES, PSNS for the pesticide industry under the Clean Water Act. On July 25, 1986 the final regulation was remanded to the EPA by the Eleventh Circuit Court of Appeals in response to a joint motion filed by the Agency and other parties to litigation challenging the regulation. EPA removed the BAT, NSPS, PSNS, and PSES pesticide regulation from the Code of Federal Regulations at the direction of the Court, and informed the public that the regulation is no longer effective (December 15, 1986; 51 FR 44911). The Agency intends to establish new effluent limitation guidelines and standards for the pesticide manufacturers and formulators/packagers industry in a future rulemaking. The BCT limitations published on April 25, 1978 and September 29, 1978, are still effective.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2473.

FTS:8-382-7156

Agency Contact: Thomas Fielding, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7156

RIN: 2040–AB32

2868. EFFLUENT GUIDELINES FOR PULP, PAPER AND PAPERBOARD

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 430

Legal Deadline: None

Abstract: The Agency will review existing BPT, BAT, PSES, PSNS, and NSPS regulations to ensure adequate control of discharges of toxic, conventional and nonconventional pollutants from existing and new source dischargers in the pulp, paper, and paperboard industry.

Timetable:

Action	Date	FR Cite
NPRM (BPT)	10/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1410

FTS:8-382-7184

Agency Contact: Wendy Smith, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7184

RIN: 2040–AB53

2869. NPDES, PERMITS FOR DREDGED OR FILL MATERIAL, AND WATER QUALITY STANDARDS -- REVISION FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 518; 33 USC 1313; 33 USC 1342; 33 USC 1344; 33 USC 1378

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 131; 40 CFR 230; 40 CFR 231; 40 CFR 232; 40 CFR 233

Legal Deadline: Final, Statutory, August 14, 1988.

Abstract: These rules will establish the procedures by which an Indian tribe can qualify for treatment as a state for the purposes of CWA sections 303, 401, 402, and 404. The revised water quality standards regulation will also establish a mechanism to resolve unreasonable consequences arising from tribes and states adopting differing water quality standards for common bodies of water.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	12/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAR No. 2475.

FTS:8-475-7315

Agency Contact: David Sabock, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 475-7315

RIN: 2040–AB36

2870. REVISIONS TO REGULATIONS FOR MODIFICATION OF SECONDARY TREATMENT REQUIREMENTS FOR MUNICIPAL DISCHARGE INTO MARINE WATERS

Legal Authority: 33 USC 1311(h)/CWA 301(h)

CFR Citation: 40 CFR 125

Legal Deadline: None

Abstract: The revisions to the regulations primarily are intended to respond to statutory changes made to sec. 301(h) of the Clean Water Act (33 USC 1311(h)), which governs secondary treatment waivers for municipal discharges into marine waters. The statutory changes to be addressed include, among other things, new requirements for minimum treatment levels and additional requirements for pretreatment programs for certain waiver applicants. In addition, the Agency is considering revising the regulations to address more specifically procedures and requirements for the renewal of secondary treatment waivers. The revised regulations will affect only the limited number of municipal treatment plants which met the 1982 statutory deadline for applying for a secondary treatment waiver.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Additional Information: SAR No. 2587.

FTS:8-475-7134

Agency Contact: Virginia Fox-Norse, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7129

RIN: 2040–AB29

2871. NPDES REGULATORY REVISIONS

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 125; 40 CFR 403; 40 CFR 434

Legal Deadline: None

Abstract: This action will revise the NPDES Regulations pursuant to requirements contained in the 1987 Water Quality Act. In addition, several other changes will be made to clarify existing requirements and policies. These revisions will not encompass requirements mandated by Section 406 (sewage sludge) of the 1987 Water Quality Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2493.

FTS:8-475-9524

Agency Contact: Gary Hudiburgh, Environmental Protection Agency,

Water, (EN-336), Washington, DC 20460, 202 475-9524

RIN: 2040–AB38

2872. NPDES PERMIT APPLICATION STANDARD FORM A AND SHORT FORM A (REVISION)

Legal Authority: 33 USC 1342/CWA 402

CFR Citation: 40 CFR 122.21(j)

Legal Deadline: None

Abstract: This action will revise the current NPDES Permit Application Standard Form A (municipal) and Short Form A (municipal) to reflect amendments to the Clean Water Act and changes in program requirements and emphasis. The new application forms will replace the old versions and enable permit writers to obtain more pertinent information regarding expected discharges and the environmental impact of proposed operations.

Timetable:

Municipal forms

NPRM 03/00/90

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2501.

FTS:8-475-3716

Agency Contact: Claudia O'Brien, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 245-3716

RIN: 2040–AB39

2873. CITIZEN SUIT NOTICE REGULATION UNDER THE CWA

Legal Authority: 33 USC 1365 /CWA 505

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: This regulation will specify on whom the copies of CWA citizen suit complaints and consent decrees should be served, the manner of service, and the addresses of such persons. This rule will amend existing 40 CFR 135.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: SAR No. 2515.

FTS:8-382-2949

Agency Contact: David Drelich, Environmental Protection Agency, Water, LE-134W, Washington, DC 20460, 202 382-2949

RIN: 2040–AB50

2874. ● GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS UNDER THE CLEAN WATER ACT

Legal Authority: 33 USC 1251 /CWA 301, 302, 304(h), 307, 501(a), and 502

CFR Citation: 40 CFR 136

Legal Deadline: None

Abstract: This rule will amend 40 CFR 136 by adding new measurements and new test procedures for the analysis of pollutants under section 304(h) of the Clean Water Act. This rule will add the following: 1. methods to measure the toxicity of pollutants in effluents and receiving waters (including short-term methods for estimating the acute and chronic toxicity to freshwater and marine organisms); 2. methods to measure mutagenicity; 3. methods for monitoring viruses in wastewaters and sludges; and 4. updating citations to microbiological methods.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2496.

FTS:8-684-7306

Agency Contact: James J. Lichtenberg, Office of Research and Development, Environmental Monitoring Systems Laboratory, Environmental Protection Agency, Water, Cincinnati, Ohio 45268, 513 569-7891

RIN: 2040–AB58

2875. COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 220 to 229

Legal Deadline: None

Abstract: These amendments are necessary to clarify the existing regulations, incorporate program experience, and respond to statutory amendments and the results of two lawsuits. Those lawsuits are the City of New York decision (543 F. Supp.1084), which involved the consideration of the need for ocean dumping and availability and impacts of land-based alternatives, and NWF v. Costle decision (629 F. 2d 118), which involved dredged material issues. Among other things, the statutory amendments to be addressed in the Regulatory Revisions include the Ocean Dumping Ban Act of 1988 (P.L. 100-688), provisions applicable to emergency and research permits, use of sewage sludge sites off the New York/New Jersey coastline, and the ocean disposal of low-level radioactive waste.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	11/00/90	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2189.

FTS: 8-475-7126

Agency Contact: Darrell Brown, Environmental Protection Agency, Water, (WH-556F), Washington, DC 20460, 202 475-7180

RIN: 2040–AA78

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Final Rule Stage

2876. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM SEWAGE SLUDGE PERMIT REGULATIONS; STATE SLUDGE MANAGEMENT PROGRAM REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 33 USC 1251 et seq

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124; 40 CFR 501

Legal Deadline: Final, Statutory, December 15, 1986. Final, Judicial, April 20, 1989.
12/15/86 for state program approval procedures (Water Quality Act of 1987).

Abstract: The Agency originally proposed State Sludge Management Program requirements in 1986. The proposal includes: 1) program approval procedures; and 2) the elements of an approvable State program. The 1988 reproposal reflects new requirements of the Water Quality Act of 1987, and contains: 1) requirements and approval procedures for state sludge programs, and 2) sludge permit requirements and procedures.

Timetable:

Action	Date	FR Cite
NPRM	02/04/86	51 FR 4458
Reproposal	03/09/88	53 FR 7642
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2163.

FTS:8-475-9529

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 475-9529

RIN: 2040–AA73

2877. WATER QUALITY PLANNING AND MANAGEMENT GRANTS FOR INDIAN TRIBES

Significance: Regulatory Program

Legal Authority: 42 USC 1324 /CWA 314

CFR Citation: 40 CFR 35; 40 CFR 130

Legal Deadline: Final, Statutory, August 4, 1988.

Abstract: This regulation will enable Indian Tribes to be treated as states for the following programs: Water Pollution Control Program Grants (Section 106), Water Quality Management Planning Grants Section 205(j), Clean Lakes Implementation Grants (Section 314) and Nonpoint Source Implementation Grants (Section 319). This action is required by the Water Quality Act of 1987.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2479.

FTS:8-382-5371

Agency Contact: Patricia Morris, Environmental Protection Agency, Water, (WH-586), Washington, DC 20460, 202 382-5371

RIN: 2040–AB35

2878. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1281/CWA 201

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17, 1984. The Agency is revising that action as a final rule.

Timetable:

Action	Date	FR Cite
NPRM - Previous	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Interim Final Rule Revised	02/17/84	49 FR 6224
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-7256.

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, (WH-546), Washington, DC 20460, 202 382-2287

RIN: 2040–AA70

2879. COMPREHENSIVE CONSTRUCTION GRANT REGULATION REVISION

Legal Authority: 33 USC 1281 / CWA 201; CWA 518; CWA Title VI

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, August 5, 1988.
Deadline applies to treatment of Indian Tribes as States.

Abstract: This regulation will amend existing regulations to implement the Water Quality Act of 1987. That Act amended the construction grants program, provided for grants to Indian Tribes under a national set-aside, and authorized EPA to award grants to capitalize state water pollution control revolving funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2585.

FTS:8-382-2287

Agency Contact: Geoffrey Cooper, Environmental Protection Agency, Water, WH-546, Washington, DC 20460, 202 382-2287

RIN: 2040–AB25

2880. EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS EXTRACTION INDUSTRY (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Legal Deadline: None
1980 consent decree contemplated promulgation of NSPS in the offshore subcategory by 1982. The Agency's listing of the oil and gas extraction category also gives rise to mandatory (cont)

Abstract: The Agency will promulgate BAT, BCT and NSPS regulations for all waste streams from offshore oil and gas extraction facilities to limit discharges of pollutants from the offshore segments of the oil and gas extraction point source category.

Timetable:

Action	Date	FR Cite
NPRM	08/26/85	50 FR 34592
NOTICE	11/13/85	50 FR 46784
NOTICE	12/31/85	50 FR 53348
NOTICE	10/21/88	53 FR 41356
NOTICE BCT Reproposal	12/05/88	53 FR 48947
Final Action	07/00/91	

Small Entities Affected: None

Government Levels Affected: State

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1649.

FTS:8-382-7131

LEGAL DEADLINE DESCRIPTION CONT: legal duties to promulgate NSPS under section 306 of the Clean Water Act.

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7131**

RIN: 2040–AA12

2881. INTERPRETATION OF PROVISIONS OF SECTION 304(1) OF THE CWA

Legal Authority: 33 USC 1251 /CWA 304(1)

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 130

Legal Deadline: None

Abstract: This proposed rule will provide the Agency's regulatory interpretation of section 304(l) of the Clean Water Act. It will clarify the nature of an individual control strategy under section 304(l) and the use of existing data by States to develop initial lists of waters. Further, it will describe the EPA approval/disapproval process for lists submitted in fulfillment of the requirements of Section 304(1). The proposed rule will also clarify key features of EPA's surface water toxics control program.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	54 FR 1300
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2525.

FTS:8-475-7718

Agency Contact: Paul Connor, Environmental Protection Agency, Water, EN-336, Washington, DC 20460, **202 475-7718**

RIN: 2040–AB46

2882. ESTUARY PROGRAM GRANT REGULATION

Legal Authority: 33 USC 1330 /CWA 320(g)

CFR Citation: 40 CFR 35

Legal Deadline: None

Abstract: This action modifies 40 CFR Part 35 to add specific requirements for grants under the National Estuary Program. These modifications specify the conditions that a grant applicant must meet to receive grant funding under the Program. Current regulations do not include specific restrictions for funds granted under the National Estuary Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2617

FTS:8-475-7378

Agency Contact: Thomas M. Armitage, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, **202 475-7378**

RIN: 2040–AB54

2883. NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Legal Authority: 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 122

Legal Deadline: Final, Statutory, February 4, 1989.

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges will reflect the 1987 amendments to the Clean Water Act and will address the deadline for application submission as a result of the rescinded September 1984 stormwater regulations.

Timetable:

Action	Date	FR Cite
Final Action - Deadline Extension	02/12/88	53 FR 4157
NPRM	12/07/88	53 FR 49416
Final Action	04/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2200.

FTS: 8-475-9518.

Agency Contact: Tom Seaton, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9518**

RIN: 2040–AA79

2884. FUTURE EFFLUENT GUIDELINES -- STANDARDS INITIATIVES

Significance: Regulatory Program

Legal Authority: 33 USC 1251 /CWA 402, 301, 304(b), 304(m), 306, 307, 501

CFR Citation: 40 CFR 400

Legal Deadline: Final, Statutory, February 7, 1988.

Abstract: EPA will review existing effluent guidelines and promulgate new effluent guidelines to implement section 304(m) of the CWA, as added by the 1987 Water Quality Act (Public Law 100-4). Existing industrial categories or subcategories for which BAT effluent limitations and guidelines and NSPS have already been promulgated that EPA is currently reviewing as potential candidates for revised guidelines include: Copper Forming (40 CFR 468); Timber Products Processing (40 CFR 429); Textile Manufacturing (40 CFR 410); Pharmaceuticals Manufacturing (40 CFR 416); and Organic Chemicals Plastics and Synthetic Fibers (40 CFR 414), (reserved priority pollutants and nonconventional pollutants). EPA may revise the list of candidates as appropriate. Moreover, if and when EPA decides to initiate rulemaking for any of the candidates, it will identify the industrial category in subsequent Federal Register notices pursuant to section 304(m). Industrial categories and subcategories discharging toxic and nonconventional pollutants for which BAT effluent

EPA—CWA

Final Rule Stage

Timetable:

Action	Date	FR Cite
NOTICE	08/25/88	53 FR 32584
NOTICE	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2304.

FTS: 8-382-7120.

ABSTRACT CONT: for BAT effluent guidelines and NSPS. Most of these candidates were selected for review because of the Domestic Sewage Study (Report to Congress on the Discharge of Hazardous Wastes to Publicly Owned Treatment Works, U.S. EPA, Office of Water Regulations and Standards, EPA 530-SW-86-004, February 1986, prepared by EPA pursuant to the mandate of section 3018(a) of RCRA to evaluate the impact of RCRA hazardous wastes discharged to POTWs). The industrial candidates currently being examined are: hazardous waste treaters; solvent recyclers; machinery manufacturing and rebuilding; transportation; paint manufacture and formulation (40 CFR 446); industrial laundries; hospitals (40 CFR 460); waste oil refiners; and drum reconditioners; and the onshore and coastal subcategories of oil and gas extraction (40 CFR 435). If the Agency decides that rulemaking is appropriate for these or other industrial point source candidates, it will publish schedules in the Federal Register.

Agency Contact: Tom O'Farrell, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7120

RIN: 2040–AA90

2885. SEWAGE SLUDGE USE AND DISPOSAL REGULATIONS

Significance: Regulatory Program

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Legal Deadline: NPRM, Statutory, November 30, 1986. Final, Statutory, August 31, 1987.

Abstract: The Agency plans to provide technical criteria and management practices by issuing technical sludge regulations under Section 405 of the Clean Water Act as amended by the Water Quality Act of 1987. These regulations will address: distribution and marketing, application of sludge to lands which are used for food and non-food chain crops, incineration, landfilling and surface disposal. Inorganic and organic pollutants are being regulated for the various reuse and disposal options.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5646
Final Action	10/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2162.

FTS: 8-382-7142

Agency Contact: William Diamond, Environmental Protection Agency, Water, (WH-551), Washington, DC 20460, 202 475-7301

RIN: 2040–AA74

2886. ● UNDERGROUND INJECTION CONTROL PROGRAM: HAZARDOUS WASTE DISPOSAL INJECTION RESTRICTIONS; EFFECTIVE DATES; AND CAPACITY VARIANCES FOR ADDITIONAL FIRST THIRD WASTES (SECOND SIXTH)

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 148

Legal Deadline: NPRM, Statutory, October 26, 1988.

Abstract: The Agency is required to prohibit injection of hazardous wastes under sections 3004(f) and (g) by specified deadlines unless (1) the facility demonstrates no migration through a petition or (2) the facility treats the waste to specified levels which reduce the threat to human health. The Administrator may grant variance variances for up to two years where treatment capacity is unavailable. This rule proposes effective dates for additional first thirds wastes. It also proposes to grant capacity variances for some of those wastes and extends the statutory prohibitions for two years.

Timetable:

Action	Date	FR Cite
NPRM	10/26/88	53 FR 43400
NPRM Comment Period End	12/27/88	53 FR 43400
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2546

FTS:8-382-5508

Agency Contact: Bruce Kobelski, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-5508

RIN: 2040–AB55

2887. EPA ADMINISTERED PROGRAMS: NPDES; GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES: PROPOSALS TO IMPLEMENT THE DOMESTIC SEWAGE STUDY

Significance: Regulatory Program

Legal Authority: 42 USC 6939 / RCRA 3018; 33 USC 1317 /CWA 307; 33 USC 1342 /CWA 402

CFR Citation: 40 CFR 403

Legal Deadline: Final, Statutory, August 1987.

Abstract: The Agency will prepare final changes to the NPDES and General Pretreatment Regulations that address: specific and general discharge prohibitions; controls on spills and batch discharges and discharges by liquid waste haulers; industrial user notification requirements; and local limits. These changes will be responsive to the recommendations of the Domestic Sewage Study submitted to Congress February 8, 1986 and are to improve the control of hazardous wastes discharged through sewers to publicly-owned treatment works.

Timetable:

Action	Date	FR Cite
NPRM	11/23/88	53 FR 47632
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2342.

FTS 8-475-9526.

EPA—CWA **Final Rule Stage**

Agency Contact: Marilyn Goode, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, **202 475-9526**

RIN: 2040–AA99

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Water Act (CWA)

Completed Actions

2888. GUIDELINES FOR CLASSIFYING GROUND WATER UNDER THE EPA GROUND WATER PROTECTION STRATEGY

Significance: Regulatory Program

CFR Citation: 40 CFR Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn	02/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian Mlay 202 382-7077

RIN: 2040–AA85

2889. SECONDARY TREATMENT/PERCENT REMOVAL REQUIREMENTS FOR COMBINED SEWER SYSTEMS

CFR Citation: 40 CFR 133

Completed:

Reason	Date	FR Cite
Final Action	01/27/89	54 FR 4224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Randy Revetta 202 382-7370

RIN: 2040–AB13

2890. NONFERROUS METALS FORMING

CFR Citation: 40 CFR 471

Completed:

Reason	Date	FR Cite
Final Action	03/17/89	54 FR 11346

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: George M. Jett 202 382-7126

RIN: 2040–AB30

2891. EFFLUENT GUIDELINES FOR ALUMINUM FORMING (REVISION)

CFR Citation: 40 CFR 467

Completed:

Reason	Date	FR Cite
Final Action	12/27/88	53 FR 52366

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: George M. Jett 202 382-7126

RIN: 2040–AB52

2892. PROCEDURAL RULES FOR CLASS I ADMINISTRATIVE PENALTY PROCEEDINGS UNDER THE CWA

CFR Citation: 40 CFR 126

Completed:

Reason	Date	FR Cite
Withdrawn Replaced by RIN 2050-ac37	01/27/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elyse M. DiBiagio-Wood 202 475-8187

RIN: 2040–AB49

2893. GENERAL PRETREATMENT REGULATIONS: RESPONSE TO PIRT (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 403

Completed:

Reason	Date	FR Cite
Final Action	10/17/88	53 FR 40562

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: George Utting 202 475-8328

RIN: 2040–AA81

2894. OCEAN INCINERATION REGULATION (REVISION)

Significance: Regulatory Program

CFR Citation: 40 CFR 220; 40 CFR 227; 40 CFR 228; 40 CFR 234

Completed:

Reason	Date	FR Cite
Withdrawn	10/24/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell Brown 202 475-7180

RIN: 2040–AA72

2895. OCEAN INCINERATION SITE EVALUATION, SOLICITATION, AND DESIGNATION

CFR Citation: 40 CFR 228; 40 CFR 234

Completed:

Reason	Date	FR Cite
Withdrawn	10/24/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Darrell Brown 202 475-7180

RIN: 2040–AB28

2896. UNDERGROUND INJECTION CONTROL PROGRAM: HAZARDOUS WASTE DISPOSAL INJECTION RESTRICTIONS; EFFECTIVE DATES FOR CALIFORNIA LIST AND SELECTED FIRST THIRD WASTES

Significance: Regulatory Program

CFR Citation: 40 CFR 148

Completed:

Reason	Date	FR Cite
Final Action	08/16/88	53 FR 30908
Final Action Effective	08/05/88	

Small Entities Affected: None

Government Levels Affected: State, Federal

EPA—CWA **Completed Actions**

Agency Contact: Bruce Kobelski 202 382-5508

RIN: 2040–AB47

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Proposed Rule Stage

2897. ENVIRONMENTAL STANDARDS FOR THE MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES

Legal Authority: 42 USC 2201/AEA 161

CFR Citation: 40 CFR 191

Legal Deadline: None

Abstract: On August 15, 1985, the Agency promulgated generally applicable environmental standards for the management and disposal of spent nuclear fuel, high-level and transuranic radioactive wastes. These Standards applied to management and disposal of such materials generated by activities under the jurisdiction of the Department of Energy or regulated by the Nuclear Regulatory Commission. They established limits for the release of radioactive materials to the environment. Subsequent to promulgation of this rule, several petitions for review were filed and consolidated in the U.S. Court of Appeals for the First Circuit. As of September 23, 1987 the Court vacated and remanded Subpart B of the Standards to the Agency for revision consistent with its ruling.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No.2590

FTS:8-475-9633

Agency Contact: Daniel Egan, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9633

RIN: 2060–AC30

2898. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 274/Reorganization Plan 3 of 1970/TSCA

CFR Citation: 40 CFR 193; 40 CFR 764

Legal Deadline: None

Abstract: The Agency intends to set generally applicable standards for the management and disposal of low-level radioactive wastes, possibly to include some natural and accelerator produced radioactive wastes. The Agency is considering criteria for declaring certain wastes as below regulatory concern as part of this activity.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: SAR No. 1727.

FTS:8-475-9633.

Agency Contact: James M. Gruhlke, Environmental Protection Agency, Air and Radiation, [ANR-460], Washington, DC 20460, 202 475-9633

RIN: 2060–AA04

2899. RESIDUAL RADIOACTIVITY

Significance: Regulatory Program

Legal Authority: 42 USC 2201/AEA 161; 42 USC 2021/AEA 272

CFR Citation: 40 CFR 194

Legal Deadline: None

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/18/86	51 FR 22264
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2073.

FTS: 8-475-9620.

Agency Contact: John L. Russell, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 202 475-9620

RIN: 2060–AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Atomic Energy Act (AEA)

Final Rule Stage

2900. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This action provides Interim recommendations to Federal Agencies to establish dose rate limits for people exposed to transuranium elements in the general environment.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1162.

FTS:8-475-9620.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9620

RIN: 2060–AA01

2901. RADIOFREQUENCY RADIATION GUIDANCE

Significance: Regulatory Program

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Legal Deadline: None

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency (RF) radiation, which may pose a potential health risk. The Agency is considering four alternative approaches to RF radiation guidance, three of which are regulatory and one nonregulatory. Upon Presidential approval of EPA guidance (to federal agencies in the formulation of radiation exposure standards), the pertinent agencies are responsible for implementation.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57338
NPRM	07/30/86	51 FR 27318
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 1525.

FTS: 8-475-9626.

Background Information Reports: a) Biological Effects of Radiofrequency Radiation, b) the Radiofrequency Radiation Environment, c) Analysis of the Radiofrequency Fields Produced by Broadcast Antennas, and d) Analysis of Economic Impact of Federal Radiation Protection Guidance (to Limit Exposure of the Public to Radiofrequency Radiation).

Agency Contact: David E. Janes, Environmental Protection Agency, Air and Radiation, (ANR-461), Washington, DC 20460, 202 475-9626

RIN: 2060–AA02

2902. GROUNDWATER PROTECTION STANDARDS FOR INACTIVE URANIUM TAILING SITES

Significance: Regulatory Program

Legal Authority: 42 USC 2022(a) /AEA 275(a)

CFR Citation: 40 CFR 192

Legal Deadline: None

Abstract: The Tenth Circuit Court of Appeals has remanded the ground water standards as 40 CFR 192.20(a)(2) and (3). The new standards will replace these remanded standards.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 36000
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1166.

FTS:8-475-9620

Agency Contact: Kurt Feldmann, Environmental Protection Agency, Air and Radiation, ANR-460, 202 475-9620

RIN: 2060–AC03

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Proposed Rule Stage

2903. REVISIONS TO THE SAFE DRINKING WATER ACT'S UNDERGROUND INJECTION CONTROL REGULATIONS

Legal Authority: 42 USC 300j-4 /SDWA 1445; 42 USC 300h-1 /SDWA 1422

CFR Citation: 40 CFR 144; 40 CFR 146

Legal Deadline: None

Abstract: These amendments to the UIC Program clarify the intent of the regulations covering authorization-by-rule requirements at 40 CFR Part 144, Subpart C. These new provisions will clarify how existing injection wells become authorized by rule and when injection is prohibited for failure to comply with authorization- by-rule requirements. EPA will also propose amendments to the noncompliance and program reporting requirements at 40 CFR 144.8; to the mechanical integrity requirements at 40 CFR 144.28(f) and 144.51(p). EPA will also propose definitions for the terms "convert" and "conversion" to help clarify when a well changes status from one well classification to another. Finally, a new regulation will codify SDWA 1445(a)(1) as it applies to the UIC program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2426.

FTS:8-382-5530

Agency Contact: Francoise Brasier, Environmental Protection Agency, Water, (WH-550E), Washington, DC 20460, 202 382-5530

RIN: 2040–AB27

2904. NATIONAL PRIMARY DRINKING WATER REGULATIONS: SYNTHETIC ORGANIC CHEMICALS AND INORGANIC CHEMICALS, MONITORING FOR UNREGULATED CONTAMINANTS (PHASE II, 38 CONTAMINANTS)

Significance: Regulatory Program

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142; 40 CFR 143

Legal Deadline: NPRM, Judicial, April 30, 1989. Final, Judicial, December 31, 1990.

Abstract: EPA is reproposing maximum contaminant level goals (MCLGs) and proposing National Primary Drinking Water Regulations (NPDWRs) for about 38 synthetic organic chemicals and inorganic chemicals. The NPDWRs consist of proposed maximum contaminants level (MCLs), as well as

proposed monitoring, reporting, and public notification requirements for these contaminants. This action proposes the best available technology (BAT) upon which the MCLs are based and BAT for the purposes of issuing variances and exemptions to public water systems. In addition to the NPDWRs for the synthetic organic chemicals and inorganic chemicals, the notice proposes monitoring requirements for other synthetic organic chemicals which are not regulated by NPDWRs or proposed for regulation in this notice.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	11/13/85	50 FR 46936
NPRM	04/00/89	
Final Action	12/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Al Havinga, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-5555**

RIN: 2040–AA55

2905. NATIONAL PRIMARY DRINKING WATER REGULATION: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: EPA will propose Maximum Contaminant Levels Goals (MCLGs) and Primary Drinking Water Standards for radionuclides in drinking water. These radionuclides include radium, uranium, radon, total alpha, and beta particle and photon emitters.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM	09/30/86	51 FR 34836
NPRM	03/31/90	
Final Action	03/31/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2281.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550-D), Washington, DC 20460, **202 382-7575**

RIN: 2040–AA94

2906. NATIONAL PRIMARY DRINKING WATER REGULATIONS: DISINFECTION, DISINFECTANTS AND DISINFECTION BY-PRODUCTS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, June 19, 1989.
This deadline applies only to the disinfection requirements.

Abstract: EPA will propose that all public water systems use disinfection treatment processes; variance criteria will be developed. The Agency will propose MCLGs and MCLs for disinfectants and disinfection by-products.

Timetable:

Action	Date	FR Cite
NPRM	09/00/91	
Final Action	09/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2340.

FTS: 8-382-3028

Agency Contact: Stephen W. Clark, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, **202 382-3028**

RIN: 2040–AA97

2907. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS (PHASE V/25 CONTAMINANTS)

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141

Legal Deadline: NPRM, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and NPDWRs for about 25 inorganic and organic chemicals specified in the SDWA.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
ANPRM Comment Period End	11/13/85	50 FR 16936
NPRM	03/30/90	
Final Action	03/30/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2630.

FTS:8-382-7575

Agency Contact: Maria Gomez-Taylor, Environmental Protection Agency, Water, (WH-550D), Washington, DC 20460, **202 475-7274**

RIN: 2040–AB11

2908. PUBLIC WATER SUPPLY SUPERVISION PROGRAM ADMINISTRATIVE ENFORCEMENT IMPLEMENTATION PROCEDURES

Legal Authority: 42 USC 300 / SDWA 1414

CFR Citation: 40 CFR 144; 40 CFR 148

Legal Deadline: None

Abstract: EPA is required to promulgate regulations to describe procedures for the notice and opportunity for public hearing, and conference with primacy States concerning administrative orders under Section 1414(g) of the Safe Drinking Water Act. The Agency will also amend 40 CFR Part 22 to include PWS penalty assessments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	11/00/89	

Small Entities Affected: None

EPA—SDWA

Proposed Rule Stage

Government Levels Affected: Federal

Additional Information: SAR No. 2381

FTS:8-382-5558

Agency Contact: Don Olson, Environmental Protection Agency, Water, WH-550, Washington, DC 20460, 202 382-5558

RIN: 2040–AB07

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA)

Final Rule Stage

2909. INDIAN RULE FOR THE WELLHEAD PROTECTION PROGRAM AND SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 300j-11/SDWA 1451

CFR Citation: 40 CFR 35

Legal Deadline: Final, Statutory, December 19, 1987.

Abstract: The Safe Drinking Water Act Amendments of 1986 authorize the EPA Administrator to treat Indian tribes as States, where appropriate. EPA is to issue associated regulations by eighteen months after the date of enactment (signed June 19, 1986). The Indian rule for the Wellhead Protection and Sole Source Aquifer Demonstration Programs will allow eligible Indian tribes to apply for and receive grants under these two programs, in the same manner as States.

Timetable:

Action	Date	FR Cite
NPRM	12/09/87	52 FR 46712
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, Federal

Additional Information: SAR No. 2440.

FTS:8-382-7077

Agency Contact: Marian Mlay, Environmental Protection Agency, Water, Office of Ground Water Protection, (WH-550G), Washington, DC 20460, 202 382-7077

RIN: 2040–AB18

2910. REVISION TO PUBLIC WATER SYSTEM SUPERVISION (PWSS) STATE PRIMACY REQUIREMENTS

Legal Authority: 42 USC 300 /SDWA 1413

CFR Citation: 40 CFR 142

Legal Deadline: None

Abstract: This action will set requirements, application procedures, and administrative process for submission of State program revisions for EPA review and approval and revise the existing primacy regulations which currently apply only to the process for initial primacy.

Timetable:

Action	Date	FR Cite
NPRM	08/02/88	53 FR 29194
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2489.

FTS:8-382-5522

Agency Contact: Carl Reeverts, Environmental Protection Agency, Water, WH-550-E, Washington, DC 20460, 202 382-5522

RIN: 2040–AB26

2911. CRITERIA FOR FILTRATION AND DISINFECTION OF SURFACE WATER AND PRIMARY DRINKING WATER REGULATIONS FOR MICROBIOLOGICAL CONTAMINANTS

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Judicial, June 19, 1989.

Abstract: EPA plans to establish regulations specifying criteria that States will use to determine which surface water systems will be required to install filtration. The regulations will also address performance criteria for filtration systems. The criteria will include disinfection requirements. The regulations will constitute NPDWRs for Giardia, viruses, and other pathogens. The Agency will also set MCLGs for certain microbiological contaminants.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM	11/03/87	52 FR 42178
Notice of Additional Regulatory Options	05/06/88	53 FR 16348
Final Action	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2376.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, WH-550-D, 202 382-7575

RIN: 2040–AB24

2912. NATIONAL PRIMARY DRINKING WATER REGULATIONS: LEAD AND COPPER

Significance: Regulatory Program

Legal Authority: 42 USC 300 /SDWA 1412

CFR Citation: 40 CFR 141; 40 CFR 142

Legal Deadline: Final, Statutory, June 19, 1989.

Abstract: This rule will set MCLGs and MCL/Monitoring requirements for naturally occurring lead and copper as specified in the SDWA. This rule will also establish a treatment technique requirement for corrosion by-products.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM MCLG	11/13/85	50 FR 46936
NPRM MCLGs/MCLs & Treatment Technique	08/18/88	53 FR 31516
Final Action	00/00/00	

EPA—SDWA — Final Rule Stage

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2610

FTS:8-382-5508

Agency Contact: Jeanne Briskin, Lead Task Force, Environmental Protection Agency, Water, 401 M Street, SW(WH-550A), Washington, DC 20460, **202 382-5508**

RIN: 2040–AB51

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Safe Drinking Water Act (SDWA) — Completed Actions

2913. UNDERGROUND INJECTION CONTROL PROGRAM: HAZARDOUS WASTE DISPOSAL INJECTION RESTRICTIONS; AMENDMENTS TO TECHNICAL REQUIREMENTS FOR CLASS I HAZARDOUS WASTE INJECTION WELLS

Significance: Regulatory Program

CFR Citation: 40 CFR 124; 40 CFR 144; 40 CFR 146; 40 CFR 148

Completed:

Reason	Date	FR Cite
Final Action	07/26/88	53 FR 28118
Final Action Effective	08/25/88	53 FR 28118

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Bruce Kobelski 202 382-5508

RIN: 2040–AB03

2914. UNDERGROUND INJECTION CONTROL PROGRAM ON INDIAN LANDS

Significance: Regulatory Program

CFR Citation: 40 CFR 147

Completed:

Reason	Date	FR Cite
Final Action	10/25/88	53 FR 43084
Final Action Effective	11/25/88	53 FR 43084

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Donald M. Olson 202 382-5558

RIN: 2040–AA76

2915. SDWA INDIAN PRIMACY REGULATIONS

Significance: Regulatory Program

CFR Citation: 40 CFR 35; 40 CFR 141; 40 CFR 142; 40 CFR 143; 40 CFR 144; 40 CFR 145; 40 CFR 146

Completed:

Reason	Date	FR Cite
Final Action	09/26/88	53 FR 37396
Final Action Effective	10/26/88	53 FR 37396

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Al Havinga 202 382-5555

RIN: 2040–AB04

2916. PUBLIC WATER SYSTEM SUPERVISION PROGRAM: BAN ON LEAD IN PLUMBING

CFR Citation: 40 CFR 141; 40 CFR 142

Completed:

Reason	Date	FR Cite
Final Guidance	10/14/88	53 FR 40270

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Carl Reeverts 202 382-5522

RIN: 2040–AB05

2917. CRITERIA FOR IDENTIFYING CRITICAL AQUIFER PROTECTION AREAS

Significance: Regulatory Program

CFR Citation: 40 CFR 149.1

Completed:

Reason	Date	FR Cite
Final Action	02/14/89	54 FR 6836

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian Mlay 202 382-7077

RIN: 2040–AB23

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Noise Control Act (NCA) — Final Rule Stage

2918. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905(a)(1)/ NCA 6(a)(1)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	12/00/89	

EPA—NCA **Final Rule Stage**

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2046.

FTS:8-382-4996

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: K.E. Feith, Environmental Protection Agency, Air and Radiation, (ANR-443), **202 382-4996**

RIN: 2060–AB24

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) — Prerule Stage

2919. MANAGEMENT OF USED OIL

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6925 /RCRA 3005; 42 USC 6930 /RCRA 3010; 42 USC 6935 /RCRA 3014

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 266; 40 CFR 270; 40 CFR 271

Legal Deadline: None

Abstract: EPA's decision not to list recycled oil as hazardous waste (51 FR 41900 11/19/86) was remanded by the U.S. Court of Appeals (D.C. Circuit) on 10/7/88. Therefore, EPA is considering approaches for management of used oil that is consistent with the court's decision. At this time the Agency does not have a specific schedule for issuing used oil management standards.

Timetable:

Regulatory Determination
Notice 07/00/90

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2434.

FTS:8-475-6673

Docket No. 3014

Contact Angela Wilkes for management standards(OS-322)

Contact Robert Dellinger for listing decision (OS-332)

Agency Contact: Angela Wilkes, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 475-6673**

RIN: 2050–AC17

2920. DETERMINATION ON WASTES FROM COMBUSTION OF COAL BY ELECTRIC UTILITY POWER PLANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: NPRM, Statutory, September 1988.

Abstract: EPA conducted a study of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste and other wastes generated by the combustion of coal by electric utility power plants. The study was in response to Section 8002(n) of RCRA and culminated in a Report to Congress on March 8, 1988. EPA must determine within six months after submitting the report, holding public hearings, and allowing for public comment whether to regulate any of these wastes under Subtitle C of RCRA.

Timetable:

Regulatory Determination
Notice 00/00/00

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2572.

FTS:8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), **202 382-3608**

RIN: 2050–AC40

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) — Proposed Rule Stage

2921. OIL POLLUTION PREVENTION REGULATION

Significance: Agency Priority

Legal Authority: 33 USC 1251 /CWA 311(j)(1)(c)

CFR Citation: 40 CFR 112

Legal Deadline: None

Abstract: Following a major oil spill with substantial environmental impacts, an interagency task force reviewed the adequacy of regulations concerning the prevention and control of oil spills. The task force recommended a significant upgrade to the Oil Pollution Prevention Regulation and an inventory of the regulated community. A two phased regulatory approach is being pursued. In Phase I, widely accepted industry practices that are currently recommended practices in the regulation will be changed to required practices. Also, to facilitate an inventory of facilities subject to the regulation, a provision may be added requiring facilities to notify EPA of their existence. The Phase II regulatory effort will address other recommended modifications.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	08/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2634

FTS:8:382-4130

Agency Contact: John M. Cunningham, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-

210), Washington, DC 20460, 202 382-4130

RIN: 2050–AC62

2922. MANDATORY INSPECTIONS OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6925 / RCRA 3007

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This action establishes requirements for mandatory inspections of treatment, storage, and disposal facilities for hazardous waste. The regulation establishes the manner, frequency, recordkeeping, and reporting of the inspections.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	08/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2332.

FTS: 8-475-9315

Agency Contact: Tim Kasten, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, D.C. 20460, 202 475-9360

RIN: 2050–AB59

2923. NO-MIGRATION VARIANCE FOR RESTRICTED HAZARDOUS WASTE LAND DISPOSAL

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: None

Abstract: The Agency will propose a regulation that interprets the statutory requirements for making a "no-migration" demonstration that would allow the land disposal of untreated hazardous waste that has been restricted from land disposal under 40 CFR 268. The regulation will define such terms as "no-migration," "responsible degree of certainty," "hazardous constituent," and various pathways by which waste can migrate and the environmental media of concern.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2524.

FTS:8-382-4678

Accompanying guidance manual to be published while rule proposal is under development. Guidance will assist facility owners and operators in characterizing environmental media of concern and environmental pathways along which constituent migration may occur.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4678

RIN: 2050–AC44

2924. MUNICIPAL WASTE COMBUSTOR ASH MANAGEMENT

Significance: Regulatory Program

Legal Authority: 42 USC 6907 /RCRA 1008; 42 USC 6944 /RCRA 4004; 42 USC 6949 /RCRA 4010

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on preliminary data, EPA has determined a need to develop a management scheme for handling and disposing of municipal waste combustor ash. The Agency is considering various options for addressing concerns over fugitive dust emissions and groundwater contamination.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	11/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2494.

FTS:8-382-4489

Agency Contact: Susan O'Keefe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), 202 382-4489

RIN: 2050–AC24

2925. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - DEMINIMIS EXEMPTION LEVELS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6938

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: This action exempts from regulation any currently listed wastes that are not hazardous because the hazardous constituents are present at levels lower than the concentration levels established by this rule.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2482.

FTS:8-382-4795

Entries combined, formerly titled "Concentration-Based Relisting of Wastes From Chlorinated Aliphatics" and "Concentration-Based Relisting of Wastes From Explosives, Inorganic Chemicals, and Iron and Steel Industries."

Agency Contact: Steve Cochran, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-9715

RIN: 2050–AC30

2926. DETERMINATION ON SOLID WASTE FROM SELECTED METALLIC ORE PROCESSING OPERATIONS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6982 /RCRA 8002

CFR Citation: 40 CFR Not yet determined

Legal Deadline: NPRM, Judicial, April 7, 1989. Final, Judicial, August 18, 1989. Other, Judicial, January 31, 1991. Regulatory Determination Notice due 01/31/91. See Additional Information for other legal deadlines.

Abstract: EPA is presently developing a list of "high-volume, low- hazard" ore processing wastes for study under Section 8002(p) of RCRA, in response to an opinion of the U.S. Court of Appeals for the D.C. Circuit (EDF v. EPA, 852 F.2d 1316 (D.C. Cir. 1988). EPA will then conduct a Section 8002 study of those processing wastes excluded from Subtitle C regulation by the "Bevill Amendment" 3001(b)(3)(A) RCRA. The study will culminate in a Report to Congress in July 1990. RCRA Section 3001(b)(3) requires the Agency, after public hearing and public comment, to determine within six months of submitting the report, whether to regulate any of these wastes under RCRA Subtitle C.

Timetable:

List of Exempted Wastes
NPRM 10/20/88 (53 FR 41288)
NPRM 04/00/89
Final Action 08/00/89
NPRM 09/00/89
Final Action 01/00/90
Regulatory Determination
NOTICE 01/00/91

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2651.

FTS:8-382-3608

LEGAL DEADLINE CONT:

NPRM, Judicial, September 15, 1989.

Final, Judicial, January 15, 1990.

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-323), Washington, DC 20460, 202 382-3608

RIN: 2050–AC41

2927. EXCLUSIONS FOR WASTE GENERATED ON-BOARD SHIPS (REVISION)

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.4(c)

Legal Deadline: None

Abstract: This proposed rule would amend an exemption in 40 CFR 261.4(c) which is currently limited to product or raw material vessels, so that it will apply to all vessels. The result of this change would be that all vessel operators, both product and non-product, would be regulated the same. In both cases, hazardous wastes generated on-board ships would not be subject to the RCRA regulations for storage, manifesting, etc., until the waste is removed from the ship. The discharge of any wastes while underway is governed by regulations issued under the provision of the Clean Water Act, Rivers and Harbors Act, Refuse Act, CERCLA/SARA, and others.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2635

FTS8:475-9715

Agency Contact: Steve Cochran, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-9715

RIN: 2050–AC61

2928. HAZARDOUS WASTE MANAGEMENT SYSTEM, AMENDMENT TO SUBPART C RULEMAKING PETITIONS, USE OF GROUNDWATER DATA IN DELISTING DECISIONS

Legal Authority: 42 USC 6903 /RCRA 1004; 42 USC 6912 /RCRA 2002; 42 USC 6921 /RCRA 3001; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 260.22

Legal Deadline: None

Abstract: This amendment will require those who submit delisting petitions for hazardous wastes to provide ground water monitoring data as part of their petition. The amended regulations will clarify the Agency's existing authority to consider the impact of a petitioned waste on groundwater and deny a petition based on groundwater contamination. EPA is seeking this amendment to clarify its authority to request and consider such data in delisting decisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	01/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Additional Information: SAR No. 2622

FTS:8-382-4536

Agency Contact: Robert Kayser, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-343), Washington, DC 20460, 202 382-4536

RIN: 2050–AC65

2929. ● MODIFICATION OF HAZARDOUS WASTE LISTING FO19

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 6938

CFR Citation: 40 CFR 261; 40 CFR 262; 40 CFR 263; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: None

Abstract: This rule will modify the hazardous waste listing F019, wastewater treatment sludges from the chemical conversion coating of aluminum, (40 CFR 261.31). The modification will narrow the scope of the F019 listing to exclude the zirconium phosphating of aluminum cans process because it does not use or form any Appendix VIII constituents in hazardous concentrations. There are approximately 80 facilities employing this process, which is currently within the scope of the F019 listing. This modification to F019 will not exclude facilities engaged in other types of chemical conversion coating of aluminum.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2676

FTS:8-245-3519

Agency Contact: Denise Wright, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-

333), Washington, DC 20460, 202 245-3519

RIN: 2050–AC78

2930. BURNING OF HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 3005

CFR Citation: 40 CFR 266

Legal Deadline: None

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish standards for controlling emissions of organic compounds, metals, and hydrogen chloride from boilers and industrial furnaces that burn hazardous waste for any purpose, including energy recovery, material recovery, or destruction.

Timetable:

Action	Date	FR Cite
NPRM	05/06/87	52 FR 16982
NPRM (Supplement)	05/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2078.

FTS-8-382-7917.

Agency Contact: Dwight Hlustick, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, 202 382-7917

RIN: 2050–AA72

2931. LINERS AND LEAK DETECTION FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(o); 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 271

Legal Deadline: NPRM, Statutory, May 8, 1987.

Abstract: EPA has proposed these regulations under the authority of section 3004(a) and 3004(o)(4) of the Resource Conservation and Recovery Act. The regulations would require: 1) new landfills, surface impoundments, waste piles, and land treatment units for the treatment, storage, or disposal of hazardous wastes to utilize an approved leak detection system; 2) double liners and leachate collection systems for waste piles, and certain landfills and surface impoundments; and 3) development of a construction quality assurance program for certain landfills and surface impoundments, as well as final covers at land treatment units. EPA originally proposed this rule on May 29, 1987 (52 FR 20218); the Agency may repropose the double liner sections of the rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20218
NPRM (Reproposal)	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2080.

FTS-8-382-4682.

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-8860

RIN: 2050–AA76

2932. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: Section 3004(o)(7) of RCRA authorizes EPA to promulgate standards for the location of hazardous waste treatment, storage, and disposal facilities. Two existing location standards (floodplain and seismic restrictions) at 40 CFR Part 264.18 will be amended based on new data and information. Additional standards will specify other criteria for the acceptable location of new, expanding, and existing treatment, storage and disposal facilities in a variety of sensitive environments (e.g., unstable terrains, wetlands). The Agency's goals are to enhance the effectiveness of a unit's design and operating controls by avoiding the most sensitive locations, to decrease cleanup and prospective future RCRA Corrective Action and superfund sites, and to more effectively ensure long-term protection of human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	03/00/91	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2303.

FTS:8-382-4678.

Agency Contact: Glen R. Galen, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4678

RIN: 2050–AB42

2933. CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS (SWMUS) AT HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004(u), 3004(v)

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations set forth the technical and procedural requirements for conducting corrective action to clean up significant releases to air, surface water, ground water and soil at solid waste management units (SWMUs) at operating, closed, or closing RCRA facilities. The regulations will be used to define the structure of the program, and the requirements for implementing remedial action, remedy selection and corrective measures. Currently, the permitting agencies must make case-by-case decisions on action.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2390.

Agency Contact: David Fagan, Environmental Protection Agency, Solid Waste and Emergency Response, OS-341, 202 382-4497

RIN: 2050–AB80

2934. LANDFILL, SURFACE IMPOUNDMENT, AND WASTE PILE CLOSURES FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will provide alternate closure options for EPA and authorized states to establish closure and post-closure requirements on a site-specific basis. The regulations address waste and site characteristics, potential pathways of hazardous constituent migration, and health effects. These rules allow for cover systems to be designed base on unique site and waste characteristics. EPA originally proposed this rule on March 19, 1987 (52 FR 8712); the Agency will repropose the rule.

Timetable:

Action	Date	FR Cite
NPRM	03/19/87	52 FR 8712
NPRM (Reproposal)	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2391.

FTS:8-475-8860

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-8860

RIN: 2050–AB81

2935. EMISSION CONTROLS FOR HAZARDOUS WASTE INCINERATORS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925/RCRA 9005

CFR Citation: 40 CFR 264

Legal Deadline: None

Abstract: EPA intends to amend the incinerator standards of Subpart O of Part 264 by proposing additional controls on emissions of metals and residual organic compounds.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2453.

FTS:8-382-7939

Agency Contact: Shiva Garg, Environmental Protection Agency, Solid Waste and Emergency Response, OS-322, Washington DC 20460, 202 382-7939

RIN: 2050–AB90

2936. LAND DISPOSAL RESTRICTIONS FOR SOIL AND DEBRIS CONTAINING HAZARDOUS WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 268

Legal Deadline: Final, Statutory.

Abstract: The Agency is investigating the need to set separate treatment standards for soil and debris containing hazardous wastes. By statute, these wastes do not become subject to the Land Disposal Restrictions Rule (51 FR 40572 and 52 FR 25760) for Solvents and Dioxins (RCRA 3004(e)) and the California List (RCRA 3004(d)) until 11/8/88. If necessary, the Agency will further subcategorize the waste streams to provide separate treatment standards applicable to such wastes.

Timetable:

Action	Date	FR Cite
NPRM	12/00/90	
Final Action	10/00/91	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2461.

FTS:8-382-4770

Agency Contact: Stephen Weil, Environmental Protection Agency, Solid Waste and Emergency Response, OS-333, Washington, DC 20460, 202 382-4770

RIN: 2050–AC03

2937. PERMITTING EXPERIMENTAL FACILITIES CONDUCTING HAZARDOUS WASTE RESEARCH

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This proposal will establish special permitting procedures for experimental facilities conducting research and development on the storage, treatment, or disposal of hazardous waste. The regulations would allow experimental facilities considerable flexibility in operating according to an approved research plan, without requiring frequent permit modifications as details of the research changed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2439.

FTS:8-382-4751

Agency Contact: Barbara Foster, Environmental Protection Agency, Solid Waste and Emergency Response, OS-341, 202 382-4751

RIN: 2050–AC04

2938. CORRECTIVE ACTION FOR RELEASES TO GROUND WATER FROM REGULATED HAZARDOUS WASTE UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: These regulations will amend the technical and procedural requirements for conducting corrective action to clean up significant releases to ground water from regulated hazardous waste units at operating, closed, or closing RCRA facilities. The regulations will be used to amend the structure of the program and the requirements for implementing remedial action, remedy selection and corrective measures. The requirements for regulated units will be amended to conform to the corrective action requirements for solid waste management units.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2503.

FTS:8-382-4654

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4685**

RIN: 2050–AC28

2939. MODIFICATION OF THE DEFINITION OF WASTEWATER TREATMENT UNIT

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 260; 40 CFR 270

Legal Deadline: None

Abstract: Currently, wastewater treatment units and elementary neutralization units are exempt from the requirements in 40 CFR Parts 264, and 265 (see 45FR76074, November 17, 1980). This action will amend the regulations to explain more clearly that thermal treatment units, except sludge dryers, are not exempt from regulation under the "wastewater treatment unit exclusion." It was never EPA's intention that thermal treatment units be exempt from regulation. Rather, specific regulations have been developed for these devices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2570

FTS:8-382-7924

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7924**

RIN: 2050–AC66

2940. ● RCRA SUBTITLE C FINANCIAL TEST CRITERIA (REVISION)

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 264.143(f); 40 CFR 264.145(F); 40 CFR 264.147(f); 40 CFR 265.143(e); 40 CFR 265.145(e); 40 CFR 265.147(f)

Legal Deadline: None

Abstract: This amendments will revise financial test criteria that must be satisfied by owners and operators employing the test to demonstrate RCRA financial responsibility requirements. Currently, the test does not function optimally; many financially viable and stable firms cannot pass the test whereas numerous RCRA firms that go bankrupt are able to "pass" the test. The anticipated revisions will adjust test criteria so as to increase availability of this assurance mechanism to viable firms and increase sensitivity to bankruptcy prediction.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR 2647

FTS:8-382-6259

Agency Contact: Mark Pollins, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 382-6259**

RIN: 2050–AC71

2941. ● DEFINITION OF HAZARDOUS WASTE TANK, SURFACE IMPOUNDMENT AND WASTE PILE (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA3004

CFR Citation: 40 CFR 260

Legal Deadline: None

Abstract: The Agency is receiving information on an increasing number of situations where it is difficult to determine whether specific types of hazardous waste management units meet the definition of a tan, pile or surface impoundment. EPA intends to clarify the difference between these units by revising the definitions for these units in 40 CFR 260.1. In particular EPA expects to address the use of liners for primary containment as well as other issues relating to the use of "earthen" and "nonearthen" materials.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	08/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR 2664

FTS:8-382-7924

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7924**

RIN: 2050–AC72

2942. ● LAND DISPOSAL RESTRICTIONS FOR THE THIRD THIRD OF SCHEDULED WASTES

Legal Authority: 42 USC 6924(g); 42 USC 6924(h); 42 USC 6924(j); 42 USC 6924(h); 42 USC 6924(k); 42 USC 6924(m)

CFR Citation: 40 CFR 268

Legal Deadline: Final, Statutory, May 8, 1990.
Absolute prohibition on land disposal waste of any kind for which EPA has not established a treatment standard takes effect on 5/8/90.

Abstract: This rule will establish land disposal restrictions for the Third Third

of scheduled hazardous waste and promulgate treatment standards for these waste streams as required by sections 3004(g) and 3004(m) of RCRA. The schedule was published on May 6, 1986 (51FR19300).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	05/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2523.

FTS:8-382-4627

Agency Contact: Deveraux Barnes, Environmental Protection Agency, Solid Waste and Emergency Response, OS-3330), Washington, DC 20460, 202 382-4627

RIN: 2050–AC73

2943. ● HAZARDOUS WASTE SUMP REQUIREMENTS IN RESPONSE TO RULEMAKING PETITION (REVISION)

Legal Authority: 42 USC 6905; 42 USC 6912; 42 USC 6921; 42 USC 6974; 42 USC 6924; 42 USC 6925

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: This regulation will address a petition for rulemaking submitted by the Boeing Company, requesting that EPA amend several hazardous waste tank system requirements as applied to certain existing sumps. A sump, being a type of tank, if used to manage a hazardous waste storage/treatment tank system. The petition focuses on those existing sumps that are situated inside of buildings and constructed as an integral part of the building's floor or foundation. The petitioner argues that because of differences in design, construction, and use, these sumps should be regulated independently of other hazardous waste storage/treatment tank systems. Companies are requesting additional time to bring these sumps into compliance with the hazardous waste tank system standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2675

FTS:8-382-7917

Agency Contact: William J. Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, 202 382-7917

RIN: 2050–AC79

2944. LIST (PHASE 2) OF HAZARDOUS CONSTITUENTS FOR GROUND WATER MONITORING

Significance: Regulatory Program

Legal Authority: 42 USC 3251 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: The Appendix IX of 40 CFR Part 264 is a list of hazardous constituents presently referenced in 40 CFR Part 264 for use in ground water monitoring. This proposed amendment would make minor revisions to Appendix IX and create a new list for the first part (Detection Monitoring) of the ground water monitoring program. This proposal would also include a more detailed discussion of the appropriate monitoring techniques than currently exists in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2435.

FTS: 382-4685

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington DC 20460, 202 382-4685

RIN: 2050–AC05

2945. COMPLIANCE MONITORING AND ENFORCEMENT REQUIREMENTS FOR STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.15; 40 CFR 271.16

Legal Deadline: None

Abstract: Regulations governing State Authorization requirements for compliance monitoring and enforcement actions will be revised to reflect the Hazardous and Solid Waste Amendments of 1984. EPA will consider other changes such as requirement for states to have administrative penalty authority.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2158.

FTS: 8-475-7787.

Agency Contact: David Levenstein, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, 202 475-9325

RIN: 2050–AB01

2946. NEW REQUIREMENTS FOR STATE HAZARDOUS WASTE PROGRAMS

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 /RCRA 2002; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 271

Legal Deadline: None

Abstract: EPA's authority to require capable implementation of a State's hazardous waste management program as a prerequisite to authorization will be codified. The Agency will streamline authorization and withdrawal procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	09/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2527.

FTS:8-382-2233

Agency Contact: Michael Forlini, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-

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342), Washington, DC 20460, **202 382-2229**

RIN: 2050–AC51

2947. MINING WASTE MANAGEMENT UNDER RCRA SUBTITLE D

Significance: Regulatory Program

Legal Authority: 42 USC 6941 to 6949 /RCRA 4001-4009

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: Based on the first mining waste Report to Congress submitted 12/31/85, comments on the report, and other available information, EPA has determined that regulation of wastes from the extraction and benefication of ores and minerals under Subtitle C of the Resource Conservation and Recovery Act (RCRA) is not warranted at this time (51 FR 24496). Instead, EPA plans to develop a program for mining waste under Subtitle D of RCRA, working with the States to determine the specific nature of their current mining waste activities and their future plans to administer such programs. EPA will propose a set of criteria for the proper disposal of mining wastes under RCRA Subtitle D authority. EPA will also work with other Federal agencies (e.g., DOI, USGS) to avoid duplication in regulatory efforts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	10/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: SAR No. 2389.

FTS: 8-382-3608

Agency Contact: Dan Derkics, Environmental Protection Agency, Solid Waste and Emergency Response, OS-323, Washington, DC 20460, **202 382-3608**

RIN: 2050–AB77

2948. UNDERGROUND STORAGE TANKS CONTAINING HAZARDOUS SUBSTANCES- FINANCIAL RESPONSIBILITY REQUIREMENTS

Legal Authority: 42 USC 6991 /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: Final, Statutory, August 8, 1988.

Abstract: This regulation will establish, under Subtitle I of RCRA (as amended by SARA), requirements for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by releases from underground storage tanks (USTs) containing hazardous substances. An ANPRM was published to help gather data (e.g., frequency of releases from such USTs, costs of corrective action and third-party damages, and the regulated community's financial condition and use of financial assurance mechanisms) needed for the development of a proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	02/19/88	53 FR 3818
NPRM	09/00/89	
Final Action	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2465.

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, **202 382-7903**

RIN: 2050–AC15

2949. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS: FINANCIAL TEST FOR SELF INSURANCE FOR LOCAL GOVERNMENT ENTITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 20 CFR 280

Legal Deadline: None

Abstract: These regulations will establish a simple financial test that local governments can use for the purpose of self insuring for taking corrective action and compensating third parties for bodily injury and property damage as required by the Financial Responsibility Requirements promulgated in September 1988.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
Final Action	03/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Additional Information: SAR No. 2642

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, **202 382-7903**

RIN: 2050–AC67

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA)

Final Rule Stage

2950. ● MEDICAL WASTE DEMONSTRATION TRACKING PROGRAM

Significance: Regulatory Program

Legal Authority: 42 USC 6992/Medical Waste Tracking Act

CFR Citation: 40 CFR 259

Legal Deadline: Other, Statutory, May 30, 1989.
The legal deadline prescribed is for an interim final by May 1989

Abstract: Because of the numerous incidents of public exposure to improperly disposed medical waste Congress passed the Medical Waste Tracking Act of 1988. The Act requires EPA to develop a demonstration tracking program for medical waste in 10 States. The demonstration program sets forth segregation, packaging, labeling, tracking, transportation, and recordkeeping requirements of medical waste generated in the covered States, and lists the wastes to be covered by the program. The emphasis of the

tracking program is to assure the generator that the waste is delivered to a proper disposal facility.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/24/89	54 FR 12326
Comment Period End	05/23/89	
Effective Date	06/22/89	
Final Action	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2653

FTS:8-475-8551

Agency Contact: Michael J. Petruska, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-8551**

RIN: 2050–AC74

2951. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - PETROLEUM REFINERY PRIMARY TREATMENT SLUDGE

Significance: Regulatory Program

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 9602

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Other, Statutory, January 8, 1986.
Statutory deadline to determine whether to list "refining wastes" no later than January 8, 1986.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 268, 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	11/20/80	45 FR 74893
Notice	02/11/85	50 FR 5637
Notice	04/13/88	53 FR 12162
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2226.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (382-3000)

Agency Contact: Ben Smith, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 382-4791**

RIN: 2050–AB70

2952. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - WOOD PRESERVING AND SURFACE PROTECTION WASTE

Significance: Regulatory Program

Legal Authority: 42 USC 6905; 42 USC 6912(a); 42 USC 6921; 42 USC 6922; 42 USC 9602

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Legal Deadline: Final, Judicial, June 30, 1990.
Best efforts to promulgate by 06/30/90.

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 268, 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53282
Final Action	06/00/90	

Small Entities Affected: Businesses

Government Levels Affected: State

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2174

FTS:8-475-8551

Agency Contact: Ed Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, **202 475-8551**

RIN: 2050–AC43

2953. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE - METHYL BROMIDE

Significance: Agency Priority

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: These actions announce EPA's decision whether or not to list a waste as hazardous under RCRA. If a waste is listed as hazardous it will be subject to those requirements contained in 40 CFR Parts 262-266 and Parts 270, 271 and 124.

Timetable:

Action	Date	FR Cite
NPRM	04/25/85	50 FR 16432
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2157.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in the Metropolitan Area (202-382-3000)

Agency Contact: RCRA/Superfund Hotline, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, **202 382-3000**

RIN: 2050–AC60

2954. RCRA DEFINITION OF SOLID WASTE (REVISION)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 /RCRA 2002; 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This regulation will provide: (1) the Agency's interpretation of a court opinion, concerning the Agency's authority in regulating certain recycled hazardous secondary materials and (2) amendments to the rules required by the court's opinion.

Timetable:

Action	Date	FR Cite
NPRM	01/08/88	53 FR 519
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: SAR No. 2575

FTS:8-475-8551

Agency Contact: Mitch Kidwell, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 475-8551

RIN: 2050–AC68

2955. SOLID WASTE DISPOSAL FACILITY CRITERIA

Significance: Regulatory Program

Legal Authority: 42 USC 6907(a)(3)/RCRA 1008(a)(3); 42 USC 6944(a)/RCRA 4004(a); 42 USC 6949(c)/RCRA 4001(c); 33 USC 1345(d)/CWA 405(d); 33 USC 1345(e)/CWA 405(e)

CFR Citation: 40 CFR 257; 40 CFR 258

Legal Deadline: Final, Statutory, March 31, 1988.

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) require EPA, by March 31, 1987, to revise the subtitle D criteria for facilities that may receive hazardous household wastes or hazardous wastes from small quantity generators. In response to this statutory mandate, EPA is revising the subtitle D criteria for municipal landfills. At a minimum these criteria must include ground-water monitoring requirements, location standards, and corrective action requirements as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33314
NPRM Comment Period End	11/30/88	53 FR 41210
Final Action	12/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2224.

FTS-382-4687

Agency Contact: Allen Geswein, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-301), Washington, DC, 202 382-4637

RIN: 2050–AB21

2956. TEST METHODS FOR EVALUATING SOLID WASTE (MANUAL SW846) INCORPORATION BY REFERENCE AND MANDATORY GOOD LABORATORY PRACTICES

Legal Authority: 42 USC 6912 /RCRA 2002

CFR Citation: 40 CFR 261

Legal Deadline: None

Abstract: This action proposes to update testing methods in the RCRA testing regulations to: a) permit persons to use the latest (3rd) edition of Test Methods for Evaluating Solid Waste (SW-846); and b) require that all testing conducted in support of the RCRA regulatory program to follow minimum good laboratory practices and quality control/quality assurance procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3212
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2507.

FTS:8-382-4761

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, 202 382-3282

RIN: 2050–AC32

2957. IDENTIFICATION OF HAZARDOUS WASTES BY TOXICITY CHARACTERISTIC AND LISTING OF ADDITIONAL ORGANIC TOXICANTS

Significance: Regulatory Program

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Legal Deadline: Final, Statutory, March 8, 1987.
November 8, 1986 for adding additional characteristics; March 8, 1987 for revising the extraction procedure.

Abstract: The EPA is proposing to amend its hazardous waste identification regulations by introducing a new extraction procedure to be used in the Toxicity Characteristic and by expanding the Toxicity Characteristic to include approximately 38 additional organic toxicants. EPA originally proposed this rule on June 13, 1986 (51 FR 21648).

Timetable:

Action	Date	FR Cite
NPRM	06/13/86	51 FR 21648
Final Action (use of TCLP for Land Disposal Restriction program testing)	11/07/86	51 FR 40572
NPRM (Supplemental)	05/19/88	53 FR 18024
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2062.

FTS-8-382-4794.

Agency Contact: John Goodrich-Mahoney, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-332), Washington, DC 20460, 202 382-4794

RIN: 2050–AA78

2958. ● FORTY-SEVEN ANALYTICAL METHODS APPROVED FOR SUBTITLE C RCRA HAZARDOUS WASTE TESTING

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005; 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 260.11(a)(Revision); 40 CFR 261,Appendix III, Table 2 (Revision); 40 CFR 261,Appendix III, Table 3 (Revision)

Legal Deadline: None

Abstract: This rule promulgates 47 new analytical methods approved for RCRA Subtitle C hazardous waste testing that were originally proposed in 1984. The purpose of this rulemaking is to provide better and more complete test methods for RCRA-related testing. These 47 methods may be used to meet regulatory requirements in conjunction with, or in addition to, the methods found in the Second Edition of SW-846, as amended by Updates I and II. Except where regulations specifically require the use of certain SW-846 test methods or QC procedures, the SW-846 manual is a guidance document and is not mandatory. These 47 methods offer the

regulated community in some cases refinements of existing methods that are usually used, and in other cases, new technologies that provide alternative methods to those now available for the analysis of certain analytes or parameters. Therefore, the Agency believes that the economic impact of this rule on the regulatory community will be minimal to none.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38786
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2058

FTS:8-382-3282

Agency Contact: Charles Sellers, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-331), Washington, DC 20460, 202 382-3282

RIN: 2050–AC80

2959. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(c) / RCRA 3004(c)

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271

Legal Deadline: Final, Statutory, February 8, 1986.

Abstract: The Agency has proposed these regulations under the Hazardous and Solid Waste Amendment of 1984. The regulation will 1) minimize the placement of containers holding liquid hazardous waste and free liquids in hazardous waste landfills, 2) minimize the presence of free liquids in containers holding hazardous waste to be disposed of in landfills and 3) prohibit the use of absorbents that biodegrade or release liquids when compressed.

Timetable:

Action	Date	FR Cite
NPRM	12/24/86	51 FR 46824
Notice of Availability of Supplemental Information	06/24/87	52 FR 23695
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2207.

FTS:8-475-8860

Agency Contact: Les Otte, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 475-8860

RIN: 2050–AA34

2960. GROUND-WATER MONITORING AT HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

Legal Authority: 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 270

Legal Deadline: None

Abstract: This action will change the Subpart F ground-water monitoring regulations. The following is a summary of the major changes:

- allow use of site-specific data on contaminant fate and transport for ground-water monitoring variances;

- allow flexibility in well installation requirements when access to waste management boundary is difficult;

- clarify the definition of waste management area and provide flexibility in determining the appropriate monitoring or response programs for individual areas;

- allow flexibility in schedules for submittal of information upon approval by the Regional Administrator (R.A.);

- base the requirement for ground-water flow rate and direction determinations upon site-specific fluctuations in water levels;

- clarify the R.A.'s authority to require monitoring of any flow pathway in the uppermost aquifer and unsaturated zone;

- authority to designate supplemental monitoring wells when justified by complicated monitoring situations; and (see additional information for completion of abstract.)

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 28160
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2277.

FTS-382-7371

ABSTRACT CONT:

- allow a return to detection or compliance monitoring as appropriate;

- add quality assurance and quality control requirements for ground-water monitoring devices and methods

Agency Contact: Joe Abe, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, 202 382-4654

RIN: 2050–AB20

2961. DELAY IN THE CLOSURE PERIOD FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Legal Deadline: None

Abstract: The current regulations require that closure of a hazardous waste unit begin after the final receipt of hazardous wastes. The proposed rule will identify the circumstances under which a unit that ceases to receive hazardous wastes may continue to accept non-hazardous wastes. Amendments will identify conditions for the subsequent use of a unit for non-hazardous waste management and coordination with other closure activities of a hazardous waste management facility. Portions of the closure requirements (Subpart G) will be amended in both parts 264 and 265. These changes will increase the flexibility in the current regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20738
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2487.

FTS: 8-475-6725

Agency Contact: Sharon Frey, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, 202 475-6725

RIN: 2050–AB71

2962. DOUBLE LINER AND LEACHATE COLLECTION SYSTEMS FOR HAZARDOUS WASTE LAND DISPOSAL UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6924(o) /RCRA 3004(o)

CFR Citation: 40 CFR 264; 40 CFR 265; 40 CFR 260; 40 CFR 270; 40 CFR 144

Legal Deadline: Final, Statutory, November 1986.

Abstract: This rule establishes minimum technology requirements (e.g., double liners and leachate collection systems) for new hazardous waste landfills and surface impoundments, as well as lateral expansions and replacements to existing landfills and surface impoundments. This rule will establish standards for these systems enabling unit owners and operators to design and construct systems that will protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	03/28/86	51 FR 10706
Notice of Availability of Information	04/17/87	52 FR 12566
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2388.

FTS: 8-382-4684

Agency Contact: Ken Skahn, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-321), Washington, DC 20460, **202 382-4684**

RIN: 2050–AB76

2963. LAND DISPOSAL RESTRICTION FOR SECOND THIRD OF SCHEDULED WASTES

Significance: Regulatory Program

Legal Authority: 42 USC 6924(g) /RCRA 3004(g); 42 USC 6924(h) /RCRA 3004(h); 42 USC 6924(j) /RCRA 3004(j); 42 USC 6924(k) /RCRA 3004(k); 42 USC 6924(m) /RCRA 3004(m)

CFR Citation: 40 CFR 268

Legal Deadline: Final, Statutory, June 8, 1989.
Statutory hammer provision of RCRA 3004(g)

Abstract: This rule will establish land disposal restrictions for the second third of scheduled hazardous wastes and promulgate treatment standards for these waste streams as required by sections 3004(g) and 3004(m) of RCRA. The schedule was published on May 28, 1986 (51 FR 19300).

Timetable:

Action	Date	FR Cite
NPRM	01/10/89	54 FR 1056
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2522.

FTS:8-382-4770

Agency Contact: Rhonda Craig, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-333), Washington, DC 20460, **202 382-4770**

RIN: 2050–AC55

2964. PERMITTING MOBILE HAZARDOUS WASTE TREATMENT UNITS

Significance: Regulatory Program

Legal Authority: 42 USC 6905 /RCRA 3005

CFR Citation: 40 CFR 260; 40 CFR 265; 40 CFR 270

Legal Deadline: None

Abstract: This action responds to a petition submitted to EPA by the Hazardous Waste Treatment Council (HWTC). It will establish state-wide permitting procedures for mobile hazardous waste treatment units, and will modify hazardous waste delisting procedures so that hazardous waste treatment residues could be delisted as part of the permitting process. In addition, the petition response solicited comment on HWTC's request that EPA exempt certain treatment technologies from the requirements for hazardous waste management.

Timetable:

Action	Date	FR Cite
NPRM	06/03/87	52 FR 20914
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2397.

FTS:8-382-2223

Agency Contact: Frank McAlister, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-341), Washington, DC 20460, **202 382-2223**

RIN: 2050–AC20

2965. ● HAZARDOUS WASTE MANAGEMENT SYSTEM: SUBPART C REQUIREMENTS OF RULEMAKING PETITIONS (REVISION)

Legal Authority: 42 USC 6903; 42 USC 6912; 42 USC 6921; 42 USC 6926; 42 USC 6974

CFR Citation: 40 CFR 260.22(b)

Legal Deadline: None

Abstract: This rule will amend 40 CFR Part 260.22(b) to ensure consistency with the HSWA requirement that, when evaluating exclusion petitions, the Administrator will consider factors (including additional constituents) other than those for which the waste was listed if he/she has a reasonable basis to believe that such factors could cause the waste to be a hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	05/20/88	53 FR 18107
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2521

FTS:8-475-9801

Agency Contact: Linda Cessar, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-343), Washington, DC 20460, **202 475-9828**

RIN: 2050–AC75

2966. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM-FINANCIAL RESPONSIBILITY REQUIREMENTS; SUSPENSION OF ENFORCEMENT PROCEDURES

Legal Authority: 42 USC 6991(b) /RCRA 9003

CFR Citation: 40 CFR 280

Legal Deadline: None

Abstract: This regulation will establish final procedures for suspension of enforcement from the "Financial Responsibility Requirements," which were published on October 26, 1988 (53FR43322).

EPA—RCRA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/17/87	52 FR 12786
Final Action	07/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: SAR No. 2641

FTS:8-382-7903

Agency Contact: Sammy K. Ng, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-410), Washington, DC 20460, 202 382-7903

RIN: 2050–AC63

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Resource Conservation and Recovery Act (RCRA) — Completed Actions

2967. NO-MIGRATION VARIANCE FOR RESTRICTED HAZARDOUS WASTE LAND DISPOSAL

Significance: Regulatory Program

CFR Citation: 40 CFR 268

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2050-AC44		

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Glen R. Galen 202 382-4678

RIN: 2050–AC56

2968. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - WOOD PRESERVING AND SURFACE PROTECTION WASTE

Significance: Regulatory Program

CFR Citation: 40 CFR 260; 40 CFR 261; 40 CFR 262; 40 CFR 264; 40 CFR 265; 40 CFR 270; 40 CFR 271; 40 CFR 302

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2050-AC43		

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Ed Abrams 202 475-8551

RIN: 2050–AC59

2969. CHANGES TO INTERIM STATUS AND PERMITTED FACILITIES FOR HAZARDOUS WASTE MANAGEMENT; PROCEDURES FOR POST-CLOSURE PERMITTING

CFR Citation: 40 CFR 265; 40 CFR 270; 40 CFR 271

Completed:

Reason	Date	FR Cite
Final Action	03/07/89	54 FR 9596
Final Action Effective	03/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Foster 202 382-4751

RIN: 2050–AC29

2970. GUIDELINE FOR FEDERAL PROCUREMENT FOR RETREAD TIRES

CFR Citation: 40 CFR 253

Completed:

Reason	Date	FR Cite
Final Action	11/17/88	53 FR 46558

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: William Sanjour 202 382-4502

RIN: 2050–AC52

2971. SAMPLING AND ANALYSIS METHODS FOR WASTE TESTING

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn Merged to RIN 2050-AC32	02/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Sellers 202 382-3282

RIN: 2050–AA82

2972. AIR TOXICITY CHARACTERISTIC FOR HAZARDOUS WASTE

Significance: Regulatory Program

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn due to changes in program priorities	01/27/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Agency Contact: David Topping 202 382-7737

RIN: 2050–AC23

2973. CONCENTRATION-BASED RELISTING OF WASTES FROM EXPLOSIVES, INORGANIC CHEMICALS, AND IRON AND STEEL INDUSTRIES

CFR Citation: 40 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 2050-AC30	01/31/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Denny Cruz 202 475-8551

RIN: 2050–AC31

2974. DETERMINATION ON WASTES FROM COMBUSTION OF COAL BY ELECTRIC UTILITY POWER PLANTS

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2050-AC40		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dan Derkics 202 382-3608

RIN: 2050–AC53

2975. DETERMINATION ON SOLID WASTE FROM SELECTED METALLIC ORE PROCESSING OPERATIONS

Significance: Regulatory Program

CFR Citation: 40 CFR Not yet determined

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2050-AC41		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dan Derkics 202 382-3608

RIN: 2050–AC54

2976. DISPOSAL OF CONTAINERIZED LIQUIDS IN HAZARDOUS WASTE LANDFILLS

Significance: Regulatory Program

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 271

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2050-AA34		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Les Otte 202 475-6860

RIN: 2050–AB12

2977. LOCATION STANDARDS FOR HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

CFR Citation: 40 CFR 260; 40 CFR 264; 40 CFR 265; 40 CFR 270

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2050-AB42		

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Federal

Agency Contact: Glen R. Galen 202 382-4678

RIN: 2050–AB67

2978. STATISTICAL METHODS FOR EVALUATING GROUND WATER MONITORING DATA FROM HAZARDOUS WASTE FACILITIES

Significance: Regulatory Program

CFR Citation: 40 CFR 264

Completed:

Reason	Date	FR Cite
Final Action	10/11/88	53 FR 39720

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Brown 202 475-7240

RIN: 2050–AB92

2979. LIABILITY REQUIREMENTS FOR HAZARDOUS WASTE FACILITIES - OTHER INSTRUMENTS

CFR Citation: 40 CFR 264; 40 CFR 265

Completed:

Reason	Date	FR Cite
Final Action	09/01/88	53 FR 33938

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carlos Lago 202 382-4780

RIN: 2050–AC19

2980. PERMIT MODIFICATIONS FOR HAZARDOUS WASTE MANAGEMENT FACILITIES

Significance: Regulatory Program

CFR Citation: 40 CFR 270

Completed:

Reason	Date	FR Cite
Final Action	09/28/88	53 FR 37912

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank McAlister 202 382-2223

RIN: 2050–AC22

2981. ● NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - FEDERAL FACILITY SITES POLICY AND LISTING

Significance: Regulatory Program

Legal Authority: 42 USC 9605 /CERCLA 105; 42 USC 9620 /CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: None

Abstract: This action is the ninth proposed update to the National Priorities List (NPL) for uncontrolled hazardous waste sites (Appendix B of the National Contingency Plan (NCP)). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. In this proposed update, the Agency will propose Federal facility sites to the NPL. See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM (Policy)	05/13/87	52 FR 17991
NPRM (Federal Facility Sites)	07/22/87	52 FR 27643
Final Action	03/13/89	54 FR 10512

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2688

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, Solid Waste & Emergency Response (OS-230),

Washington, D.C. 20460, 800 424 - 9346 or, 202 382-3000

RIN: 2050–AC82

2982. TRIAL BURNS FOR EXISTING HAZARDOUS WASTE INCINERATORS

CFR Citation: 40 CFR 270.62(d)

Completed:

Reason	Date	FR Cite
Final Action	01/30/89	54 FR 4286

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Dellarco 202 382-4775

RIN: 2050–AC50

2983. GUIDELINE FOR PROCUREMENT OF INSULATION PRODUCTS CONTAINING RECOVERED MATERIALS

CFR Citation: 40 CFR 248

Completed:

Reason	Date	FR Cite
Final Action	02/17/89	54 FR 7328

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: William Sanjour 202 382-4502

RIN: 2050–AC69

2984. UNDERGROUND STORAGE TANKS CONTAINING PETROLEUM - FINANCIAL RESPONSIBILITY REQUIREMENTS

Significance: Regulatory Program

CFR Citation: 40 CFR 280

Completed:

Reason	Date	FR Cite
Final Action	10/26/88	53 FR 43322

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local

Agency Contact: Sammy Ng 202 382-7903

RIN: 2050–AB89

2985. UNDERGROUND STORAGE TANKS - STATE PROGRAM APPROVAL

CFR Citation: 40 CFR 281

Completed:

Reason	Date	FR Cite
Final Action	09/23/88	53 FR 37212

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Gwen Gebhard 202 475-9724

RIN: 2050–AB31

2986. IMPLEMENTATION OF TITLE III ON INDIAN LANDS

CFR Citation: 40 CFR 355; 40 CFR 370; 40 CFR 372

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 2050-AC34	01/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen Bishop 202 382-7912

RIN: 2050–AC64

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Prerule Stage

2987. NAAQS: OZONE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.9

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory. Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reassessing health and welfare information which has become available since the last revision of the standard. In order to retain a unified regulatory review package in light of the emerging data base on health and welfare effects associated with longer-term averaging times, EPA is continuing the standard review until such information is published and reviewed in an addendum to the criteria document. The major issue is whether the new information will indicate that new standards with longer-term averaging times are required to protect public health and welfare.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NOTICE: Complete review of criteria document addendum and staff paper	04/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1920.

FTS: 8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, 919 541-5656

RIN: 2060–AA96

2988. NAAQS: NITROGEN DIOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.11

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory. Reviews by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the NO2 NAAQS was completed in June 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria document and staff paper	02/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1004.

FTS: 8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, N.C. 27711, **919 541-5656**

RIN: 2060–AC06

2989. NAAQS: CARBON MONOXIDE (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory, Review by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA is reviewing the health and welfare information that has become available since the last review of the CO NAAQS was completed in September 1985. The Agency will revise the standard if needed to protect the public health and welfare.

Timetable:

Action	Date	FR Cite
Complete review of criteria document and staff paper	09/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1001.

FTS: 8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC07

2990. NSPS: ORGANIC SOLVENT DEGREASING

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60, Subpart JJ

Legal Deadline: Final, Statutory, August 1982.

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on vinyl chloride (see benzene reconsideration). This action could affect any manufacturing operations that employ organic solvent cleaners to remove grease and oils from parts prior to assembly.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
NOTICE -- solicitation of public participation	08/10/87	52 FR 29548
NOTICE -- decision on whether to regulate	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA12

2991. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60, Subpart OO

Legal Deadline: Final, Statutory, August 1982.

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. The potential regulations would apply to all types of machines and could also address auxiliary equipment and safe workplace practices.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Decision on whether to regulate NOTICE	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA14

2992. NSPS: ORGANIC SOLVENT DEGREASING (111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Section 111(d) of the CAA provides a mechanism by which EPA can require states to develop emissions standards for existing sources for certain source categories for which NSPS standards have been developed. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on vinyl chloride (see benzene reconsideration). This action could impact any manufacturing operations that employs organic solvent cleaners to remove grease and oils from parts prior to assembly.

Timetable:

Action	Date	FR Cite
Decision on whether to regulate NOTICE	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 1695.

FTS:8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5568

RIN: 2060–AA33

2993. NSPS: ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURING PLANTS(REVIEW)

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA is reviewing this NSPS to determine whether revisions are warranted. The review will assess performance and costs of asphalt processing an asphalt roofing manufacturing plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will announce the results of its review in the Federal Register.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/86	
End Review	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2430.

FTS:8-629-5425.

Agency Contact: Kenneth Durkee, Chief, Standards Documentation Section, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5425

RIN: 2060–AC21

2994. NESHAP:CADMIUM

Significance: Regulatory Program

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list cadmium under Section 112 (50 FR 42000). EPA is investigating the need for regulation of cadmium and techniques to control the emissions from identified source categories. If EPA decides that emission standards are warranted, cadmium will be listed under section 112, and EPA will propose standards.

Timetable:

Action	Date	FR Cite
Decision on Regulation	11/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1869.

FTS:8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5602

RIN: 2060–AB92

2995. NESHAP: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: In 1985, the Agency published a notice of intent to list perchloroethylene under Section 112. A decision on whether to regulate this source category under the NESHAP program has been delayed pending a decision on how to respond to the court's decision on the Vinyl Chloride NESHAP (see benzene reconsideration). The potential NESHAP regulations would apply to all types of machines and could also address auxiliary equipment and safe workplace practices.

Timetable:

Action	Date	FR Cite
NOTICE -- intent to list	12/26/85	50 FR 52880
NOTICE -- decision on whether to regulate	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2360.

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5608

RIN: 2060–AC27

2996. NESHAP: ORGANIC SOLVENT DEGREASING

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: An NSPS was proposed for this source category in 1980. Subsequently, in 1987, the Agency solicited public participation in information gathering in preparation for a decision on whether to regulate this source category under the NESHAP program, the NSPS program or both. That regulatory decision has been delayed pending a decision on how to respond to the court's decision on the Vinyl Chloride NESHAP (see benzene reconsideration). The potential NESHAP regulations would apply to organic solvent cleaners (degreasers) and would control emissions of perchloroethylene, methylene chloride, and trichlorethylene from new and existing sources. The emissions reduction techniques that would be considered would be combinations of add-on controls, hardware and improved operating practices.

Timetable:

Action	Date	FR Cite
NOTICE -- solicitation of public participation	08/17/87	52 FR 29548
NOTICE -- decision on whether to regulate	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: SAR No. 1695.

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5608

RIN: 2060–AC31

EPA—CAA **Prerule Stage**

2997. FUEL AND FUEL ADDITIVES: HEALTH AND EMISSIONS EFFECTS TESTING

Legal Authority: 42 USC 7545(e) / CAA 211(e)

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: Final, Statutory, August 7, 1978.

Abstract: The CAA requires that testing protocols be developed to address at a minimum, the possible carcinogenic, mutagenic, and teratogenic effects of fuels and fuel additives as well as their effect on emissions and emission control devices. This action would implement protocols for such testing, which would have to be performed prior to: 1) fuel or additive registration, and 2) introduction of the fuel or additive into the marketplace. Fuels and additives already registered or for sale would also have to undergo testing, as provided for by the CAA.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2365.

FTS:8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-8408**

RIN: 2060–AC10

2998. GENERAL REQUIREMENTS FOR DETERMINATION OF GASOLINE METAL CONTENT

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: This action will add a new method(s) to a previously promulgated set of testing procedures for the determination of lead (and perhaps other metals) content in gasoline. Such action would provide flexibility to both government and private laboratories in analyzing gasoline samples.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2629

FTS:8-374-8841

Agency Contact: David Kortum, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 475-8841**

RIN: 2060–AC52

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Proposed Rule Stage

2999. ● PROTECTION OF STRATOSPHERIC OZONE

Significance: Agency Priority

Legal Authority: 42 USC 7457(b)

CFR Citation: 40 CFR 82

Legal Deadline: None

Abstract: EPA issued an Advance Notice of Proposed Rulemaking (ANPR) on August 12, 1988 seeking public comment on whether the Agency should add a regulatory fee to its current allocated-quota rule, or whether it should shift to an auction based regulation. The ANPR also asked for comment on the need for direct regulation on CEC or halon use to supplement its existing rule. This activity will follow-up on these issues.

Timetable:

Action	Date	FR Cite
ANPRM	08/12/88	52 FR 30604
ANPRM Comment Period End	11/01/88	52 FR 30604
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SAR No. 2679

FTS:8-382-2787

Agency Contact: Stephen Seidel, Environmental Protection Agency, Air and Radiation, ANR-445, Washington, DC 20460, **202 382-2787**

RIN: 2060–AC09

3000. NAAQS: LEAD (REVIEW)

Significance: Regulatory Program

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.12

Legal Deadline: Final, Statutory, December 31, 1980.
Statutory, Reviews due by December 31, 1980 and at 5-year intervals.

Abstract: EPA is reassessing the health and welfare information that has become available since the promulgation of the standard. A staff paper is in preparation for review by the Clean Air Scientific Advisory Committee (CASAC).

Timetable:

Action	Date	FR Cite
CASAC Review	05/00/89	
NPRM	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1919.

FTS: 8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA95

3001. NAAQS: FINE PARTICULATE MATTER

Significance: Regulatory Program

Legal Authority: 42 USC 7408 /CAA 108; 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.7

Legal Deadline: None

Abstract: On July 1, 1987, EPA issued an ANPRM soliciting public comment on the development of a new secondary (welfare-based) NAAQS for fine particles (those particles less than 2.5 micrometers in aerodynamic diameter). This action represents a continuation of the review process for the secondary

standards for particulate matter discussed by the Agency on March 20, 1984 (49 FR 10408). The principal welfare effect to be addressed by such a standard is impairment of visibility. Once a decision on whether and how to proceed is reached, a schedule for further action will be developed.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24670
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2577.

FTS:8-629-5656

Agency Contact: Bruce C. Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AC32

3002. NEW SOURCE REVIEW REQUIREMENTS -- CMA EXHIBIT B

Legal Authority: 42 USC 7410 /CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association (CMA) and other parties who challenged the regulation amendments promulgated on August 7, 1980. This action covers the issues in Exhibit B of the agreement.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
Final Action	12/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2608

FTS:8-629-5592

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC, 27711, **919 541-5592**

RIN: 2060–AC54

3003. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The scope of the Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes includes all reactor processes (other than air oxidation reactor processes) used to manufacture 173 synthetic organic chemicals produced in quantities of at least 100 million 1b/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2164.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AB55

3004. NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: NPRM, Judicial, June 1, 1989. Final, Judicial, September 1, 1990.

Abstract: The purpose of this action is to develop a proposal for new source performance standards for small industrial-commercial-institutional boilers with heat input capacities of 100 million Btu/hr or less.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	09/00/90	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2239.

FTS:8-629-5595

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060–AB95

3005. NSPS: MUNICIPAL WASTE COMBUSTORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The EPA has completed a preliminary assessment of air emissions from municipal waste combustors (MWC). Based on this assessment, EPA has concluded that MWC emissions may reasonably be anticipated to contribute to the endangerment of public health and welfare. As a result, EPA issued a notice in the Federal Register (52 FR 25399) that announces its intent to regulate emissions from new and modified MWC under Section 111(b). Pollutants to be regulated will include one or more designated pollutants (pollutants not regulated under Sections 108-110 or 112) thus invoking Section 111(d) which will require States to develop additional emissions standards for existing MWC based on EPA guidelines.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/87	52 FR 25399
ANPRM Comment Period End	10/06/87	52 FR 37335
NPRM	11/00/89	
NPRM Comment Period End	01/00/90	
Final Action	12/00/90	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2424.

FTS:8:629-5602

Agency Contact: Alfred E. Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 2771, **919 541-5602**

RIN: 2060–AC26

3006. NSPS: MUNICIPAL LANDFILLS

Significance: Agency Priority

Legal Authority: 42 USC 7411/CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: The purpose of this action is to develop a proposal for regulating emissions from new and modified municipal landfills under Section 111(b). Pollutants to be regulated would include one or more designated pollutants (pollutants not regulated under Section 108 - 110 or 112 of the Act) thus invoking Section 111(d). Section 111(d) would require States to develop emission standards for existing landfills based on EPA guidelines.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	05/00/91	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2535.

FTS:8-629-5672

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5672**

RIN: 2060–AC42

3007. NESHAP: COKE OVEN EMISSIONS FROM COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL-CHARGED BATTERIES

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 G

Legal Deadline: NPRM, Statutory, March 1985.

Abstract: This regulation would control emissions of coke oven emissions, which have been designated as hazardous under section 112. It would require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards may apply to charging and leaks from doors, lids, or offtakes for all existing or new sources. A supplemental proposal will be published to reevaluate the standard consistent with the court decision on vinyl chloride. The schedule has been delayed pending a decision on how to respond to a court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	04/23/87	52 FR 13586
NPRM (Supplemental)	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA48

3008. NESHAP: ASBESTOS REVISION (RISK REDUCTION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61, Subpart M

Legal Deadline: None

Abstract: The Agency is considering revising the asbestos NESHAP to reduce further the risks to public health. The schedule has been delayed pending a decision on how to respond to the court decision on the vinyl chloride NESHAP (see "benzene reconsideration"). The Agency also is considering another revision on an accelerated schedule that would address compliance and monitoring provisions only. See asbestos revision (compliance provisions).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1714.

FTS 8-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AB51

3009. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Significance: Regulatory Program

Legal Authority: 42 USC 7411/CAA 112

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of various pollutants. The Agency will publish decisions regarding whether certain pollutants should be controlled under the Clean Air Act or under other regulatory mechanisms in order to protect the public health. Decisions of regulating specific pollutants have been delayed pending decision on how to respond to the court decision on the Vinyl Chloride NESHAP (See Benzene Reconsideration).

Timetable:

Action	Date	FR Cite
Decision on Regulations Various Air Pollutants	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2181.

FTS:8-629-5647

Agency Contact: Robert G. Kellam, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5647**

RIN: 2060–AB56

3010. NESHAP:CHROMIUM

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds. Also, EPA is investigating emissions of chromium and techniques that are available to control the emissions from 11 identified source categories. If EPA decides that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and EPA will propose standards. Agency actions on industrial comfort cooling towers and chromium electroplating are described separately in the agenda.

Timetable:

Action	Date	FR Cite
NPRM -- decision on whether to regulate	09/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2181.

FTS: 8-629-5596

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5596

RIN: 2060–AB83

3011. NESHAP: CHROMIUM--INDUSTRIAL COOLING TOWERS

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24137). EPA is further assessing the public health risks of chromium compounds. Preliminary assessment performed by EPA has identified industrial process cooling towers as a source category for which the proposal of national emission standards may be warranted. If EPA decides, based on these investigations, that emissions standards are warranted, chromium or hexavalent chromium will be listed under Section 112 and EPA will propose standards.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5602

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5602

RIN: 2060–AC12

3012. NESHAP: CHROMIUM--ELECTROPLATING

Significance: Regulatory Program

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: EPA issued a notice of intent to list chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds. A preliminary assessment performed by EPA has identified chromium electroplating as a source category which emits significant quantities of chromium to the atmosphere and for which the proposal of national emission standards may be warranted. If EPA decides, based on these investigations, that emission standards are warranted, chromium or hexavalent chromium will be listed under Section 112, and standards will be proposed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	12/00/91	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5602.

Agency Contact: Al Vervaert, Environmental Protection Agency, Air and Radiation, MD-13, 919 541-5602

RIN: 2060–AC14

3013. NESHAP: HAZARDOUS ORGANICS

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential regulation would control emissions of 1,3-butadiene, ethylene oxide, ethylene dichloride, chloroform, carbon tetrachloride, perchloroethylene, trichloroethylene, and methylene chloride, as hazardous pollutants under Section 112. The potential regulation would cover the production categories and some use categories for these eight pollutants. It would require installation of combustion devices to control process vents and an inspection and monitoring program to control leaks from pumps and valves. The schedule has been delayed pending a decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2363.

FTS:8-629-5578

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060–AC19

3014. NESHAP: ETHYLENE OXIDE FROM COMMERCIAL STERILIZATION

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: None

Abstract: This potential standard would control ethylene oxide emissions from sterilization chambers. The emission reduction being considered would require add-on controls for sterilizers. The schedule has been delayed pending decision on how to respond to the court decision on the Vinyl Chloride NESHAP (see benzene reconsideration).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2484

FTS:8-629-5608

Agency Contact: Robert E. Rosensteel, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5608**

RIN: 2060–AC28

3015. GUIDELINE ON AIR QUALITY MODELS (REVISION)

Legal Authority: 42 USC 2475(e)/CAA 165(e)

CFR Citation: 40 CFR 51.24(l); 40 CFR 52.21(m)

Legal Deadline: None

Abstract: In response to Section 320 of the Clean Air Act, EPA held the Fourth Conference on Air Quality Modeling in October 1988. Based on input provided to the Agency at or closely following this Conference, the need for additional revisions to EPA's Guideline on Air Quality Models will be evaluated. If appropriate, a NPRM will be developed.

Timetable:

Action	Date	FR Cite
NPRM	08/00/90	
Final Action	04/00/92	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2557.

FTS:8-629-5561

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, (MD-14), Research Triangle Park, NC 27711, **919 541-5561**

RIN: 2060–AC43

3016. PSD INCREMENTS FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7476/CAA 166

CFR Citation: 40 CFR 52.21; 40 CFR 51.166

Legal Deadline: Final, Statutory, July 1, 1989.

Abstract: The purpose of this action is to prevent significant deterioration of air quality as measured by the new indicator for particulate matter, PM10. The existing PSD program has particulate matter increments based on the original TSP indicator. The EPA has now promulgated a PM10 NAAQS to replace the original TSP-based particulate matter NAAQS. Therefore, EPA is preparing to revise the PSD program by promulgating PM10 increments in accordance with section 166 of the Clean Air Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2491.

FTS:8:629-5593

Agency Contact: Daniel DeRoeck, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5593**

RIN: 2060–AC33

3017. EMISSION STANDARDS FOR LIGHT-DUTY TRUCKS (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Through this action, EPA will propose more stringent hydro- carbon and CO emission standards for light-duty trucks based upon the belief that very cost-effective hydrocarbon control is available from these vehicles. The proposed standards would be set at levels which could be met by applying currently available passenger car control technology to light trucks.

Timetable:

Action	Date	FR Cite
ANPRM	09/08/86	51 FR 32032
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: SAR No. 2287.

FTS: 8-374-4496.

Agency Contact: J. Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060–AB85

3018. DECISION ON AIR POLLUTION REGULATORY STRATEGIES FOR THE GASOLINE MARKETING INDUSTRY

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202; 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: Evaporative hydrocarbons emitted during vehicle refueling contribute to the failure of many urban areas to attain the National Ambient Air Quality Standard for ozone. Through this action, if deemed feasible and desirable, EPA will control emissions at the time of refueling.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31162
Supplemental NPRM	04/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2384.

FTS:8-374-8270

Agency Contact: Phil Carlson, Environmental Protection Agency, Air and Radiation, Environmental Protection Agency, 2565 Plymouth Rd., Ann Arbor, MI 48105, **313 668-4270**

RIN: 2060–AC04

3019. TRADING AND BANKING OF HEAVY-DUTY ENGINE NOX AND PM EMISSION CREDITS

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: In March 1985 the EPA promulgated NOx and PM emission standards for heavy-duty vehicles and engines. The rulemaking included a provision for emissions averaging for the final stages of standard implementation in order to mitigate the

economic impact of the stringent standards. EPA realized that the averaging mechanism could provide more benefits to manufacturers with a broader product line. In order to address this issue, EPA included in the final package a provision to study the potential for mitigating this uneven distribution of benefits through an emissions credit trading program. The study was expanded to include the concept of 'banking' emissions credits. The study has been completed and made available to the public and a technical workshop was held in January 1987. EPA is analyzing the comments received from the public and from the workshop.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 1315.

FTS: 8-374-8408

Agency Contact: Glenn Passavant, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4408

RIN: 2060–AC05

3020. ● AMENDMENTS TO MOTOR VEHICLE IMPORTS REGULATIONS PERTAINING TO CANADIAN VEHICLES

Significance: Agency Priority

Legal Authority: 42 USC 7522 /CAA 203; 42 USC 7525 /CAA 206; 42 USC 7541/CAA 207; 42 USC 7542/CAA 208; 42 USC 7601/CAA 301

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider amendments to the regulations in 40 CFR Part 85, Subpart P as they pertain to importers of vehicles which are originally sold in Canada and which are identical to their U.S.-certified counterparts. This action is in response to a petition for review of the imports regulations filed on November 24, 1987.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2665

Agency Contact: Randall Chaffins, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, Office of Air & Radiation (EN-340F), Washington, D.C. 20460, 202 382-2542

RIN: 2060–AC58

3021. ● INTERIM COLD AMBIENT AIR TEMPERATURE CARBON MONOXIDE EMISSION STANDARDS

Significance: Agency Priority

Legal Authority: 42 USC 7521 /CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: EPA's current Carbon Monoxide (CO) emission standards are applicable to the 68 to 86 temperature range of the current Federal Test Procedure. Since CO emissions are higher at colder ambient temperatures, and since CO ambient air quality problems occur primarily under ambient temperature conditions less than 68F, EPA is considering the adoption of CO emission standards applicable to a lower temperature range, possibly as low as 20F.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2660

FTS:8-374-8214

Agency Contact: John German, Environmental Protection Agency, Air and Radiation, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4214

RIN: 2060–AC59

3022. ● REVISIONS TO THE STACK HEIGHT REGULATION

Legal Authority: 42 USC 7411/CAA 123

CFR Citation: 40 CFR 51.100

Legal Deadline: None

Abstract: Under the Clean Air Act, emission limitations for sources are generally determined on the basis of local, ground-level concentrations of pollutants. In the absence of laws and/or regulations prohibiting such action, a source can lower the local ground-level ambient pollutant concentrations not only by reducing the amount of pollutants it emits into the air, but also by raising the physical height of its stack or using other dispersion techniques. Section 123, which was added to the CAA by the 1977 Amendments, restricts the manner in which techniques for dispersion of pollutants from a source may be considered in setting emission limitations. The EPA promulgated the current stack height regulation on July 8, 1985. On January 22, 1988, the U.S. Court of Appeals for the D.C. Circuit upheld EPA's regulation except for three provisions which were remanded to the Agency for proceedings consistent with the court's opinion. The purpose of this action is to revise the stack height regulation in accordance with the January 22, 1988 court decision.

Timetable:

Action	Date	FR Cite
NPRM	11/30/89	
Final Action	11/30/90	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: SAR No. 2589

The court remanded two grandfathering provisions which allow dispersion credit, including credit for certain stack height increases. The decision also remanded the allowance of dispersion credit for sources with originally designed and constructed merged stacks. The court concluded that exclusion of these groups of sources from the regulation's restrictions was not adequately supported. The EPA is analyzing the court decision to determine whether further support should be offered for the current provisions or whether to revise the regulation to limit or delete these exclusionary provisions. The Agency's regulatory decisions and any rule revisions will be proposed for public comment in the Federal Register before taking final action.

Agency Contact: Doug Grano, Environmental Protection Agency, Air and Radiation, EPA(MD-15), Research Triangle Park, NC 27711, 919 541-5255

RIN: 2060–AC60

3023. TEST PROCEDURES FOR TRAP-EQUIPPED DIESEL VEHICLES AND ENGINES

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: The particulate standards for 1991 and later model year heavy-duty diesel engines may require the use of trap-oxidizers for some vehicles and engines. The existing test procedures do not expressly describe how to deal with emissions and fuel economy effects during trap regeneration. If it turns out that trap oxidizers are necessary to comply with the 1991 particulate standards, the Agency will develop an appropriate test procedure.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2373.

FTS: 8-374-8496

Agency Contact: John Anderson, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4496**

RIN: 2060–AC08

3024. NONCONFORMANCE PENALTIES FOR 1991 THROUGH 1994 MODEL YEAR EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES AND ENGINES

Legal Authority: 42 USC 7524 /CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will address the availability of nonconformance penalties (NCPs) and specific upper limits and penalty rates for 1991 through 1994 model year emission standards for heavy-duty vehicles and engines. The availability of NCPs will allow a manufacturer, whose vehicles or engines fail to conform with certain applicable emission standards, but which do not exceed a designated upper limit, to be issued a certificate of conformity upon payment of a monetary penalty. This rule is the third phase of NCP rulemaking. The first, published August 30, 1985 established generic aspects of NCPs. The second, published December 31, 1985, addressed NCPs applicable to 1987 through 1990 model years.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2431.

FTS:8-382-2535.

Agency Contact: Richard Babst, Environmental Protection Agency, Air and Radiation, (EN-340-F), Washington, DC 20460, **202 382-2535**

RIN: 2060–AC39

3025. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) / CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This rulemaking will address the issue of establishing: (1) test procedures and standards for heavy-duty gasoline vehicles, (2) new standards for light-duty vehicles and light-duty trucks, and (3) alternative dynamometer loadings for the loaded short tests. These amendments are appropriate so that owners of heavy-duty vehicles will have emissions warranty protection and additional owners of light-duty vehicles and trucks will be entitled to warranty protection.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2136.

FTS: 8-374-8471.

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4471**

RIN: 2060–AB53

3026. ALTERNATIVE TEST PROCEDURES FOR THE VOLUNTARY AFTERMARKET PART CERTIFICATION PROGRAM

Legal Authority: 42 USC 7541 /CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action would consider an alternative testing procedure to be used in the voluntary aftermarket parts certification program for certifying aftermarket parts. Currently only the full Federal Test Procedure is an acceptable test procedure for this program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2637

FTS:8-374-4316

Agency Contact: Michael Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AC50

3027. DIESEL FUEL QUALITY STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79; 40 CFR 80

Legal Deadline: None

Abstract: Trap oxidizers, the use of which may be required to meet future heavy-duty diesel particulate standards, may require the use of low sulfur diesel fuels. In promulgating the particulate standard, EPA promised to examine the potential need for low-sulfur fuel. In particular, fuel sulfur and aromatics content have been shown to have a direct effect on particulate emissions. This action will consider the costs and benefits of improving diesel fuel quality.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

EPA—CAA **Proposed Rule Stage**

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2366.

FTS:8-374-8339

Agency Contact: Richard Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4339**

RIN: 2060–AC00

3028. FUEL AND FUEL ADDITIVES: ENFORCEMENT OF SECTION 211(F)(4) WAIVERS

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301

CFR Citation: 40 CFR 80

Legal Deadline: None

Abstract: The purpose of this action is to establish regulations under sections 211(c) and 211(f) of the CAA for the enforcement of prohibitions against certain fuel and fuel additives not complying with CAA requirements. The regulations will also formalize the procedures for reviewing applications from manufacturers of fuel and fuel additives for waivers of the provisions of paragraphs (1), (2), and (3) of section 211(f), which the Agency may grant pursuant to section 211(f)(4).

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2604

FTS:8-374-8572

Agency Contact: Steven Hoover, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2640**

RIN: 2060–AC53

3029. TREATMENT, STORAGE, AND DISPOSAL FACILITY AREA SOURCE AIR EMISSIONS - RCRA STANDARDS

Significance: Regulatory Program

Legal Authority: 42 USC 6924/RCRA 3004, 3007

CFR Citation: 40 CFR 264, Subparts I to N

Legal Deadline: None

Abstract: The purpose of this action is to investigate the magnitude of the area non-combustion source air emissions from hazardous waste treatment, storage, and disposal facilities and to develop standards for monitoring and control as needed. Area sources include surface impoundments, landfills, waste piles, land treatment operations and waste water treatment facilities. Pollutants to be considered by such standards would include volatile organic compounds, particulate matter, specific toxic substances, or a combination of these. The mandate for standards development under RCRA is to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/89	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: SAR No. 2240.

FTS:8-629-5672.

Agency Contact: James F. Durham, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5672**

RIN: 2060–AB94

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Final Rule Stage

3030. STATE IMPLEMENTATION PLANS: ATTAINMENT STATUS DESIGNATIONS

Significance: Agency Priority

Legal Authority: 42 USC 7501/CAA 101; 42 USC 7502/CAA 102; 42 USC 7503/CAA 103; 42 USC 7504/CAA 104; 42 USC 7505/CAA 105; 42 USC 7506/CAA 106; 42 USC 7507/CAA 107; 42 USC 7508/CAA 108

CFR Citation: 40 CFR 81

Legal Deadline: NPRM, Statutory, August 31, 1988.

Abstract: On June 6, 1988 (53 FR 20722), the EPA, as directed by the Mitchell-Conte Amendment of December 22, 1987 (contained in the continuing resolution of 1987, Pub. L. 100-202), proposed to designate as nonattainment under the CAA those areas throughout the nation that have not attained the NAAQS for either ozone or carbon monoxide (CO). EPA proposed to designate as nonattainment those areas currently codified under the Clean Air Act as attainment or unclassified, and to renew the designations for areas currently codified under the Clean Air Act as nonattainment The notice also proposed for public comment 3 interpretations of the regulatory consequences of these nonattainment designations under the Mitchell-Conte amendment.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20722
NPRM Comment Period End	08/05/88	53 FR 20722
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 5440

FTS:8-629-5517

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5517**

RIN: 2060–AC56

3031. NAAQS: SULFUR OXIDES (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7409 /CAA 109

CFR Citation: 40 CFR 50.4; 40 CFR 50.5

Legal Deadline: Final, Statutory, December 31, 1980.
Reviews due by December 31, 1980 and at 5-year intervals thereafter.

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur oxides. The Agency will revise the standards if and as appropriate to protect public health and

welfare. On April 26, 1988, EPA announced its proposed decision not to revise the current standards. The notice also solicited comment on the alternative of adding a new 1-hour standard and certain other revisions.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	04/26/88	53 FR 14926
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 1002.

Docket No. A-84-25.

FTS:8-629-5656.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5656**

RIN: 2060–AA61

3032. NEW SOURCE REVIEW REQUIREMENTS -- CMA EXHIBIT A

Significance: Regulatory Program

Legal Authority: 42 USC 7410/CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Legal Deadline: None

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980. This action covers the issues in Exhibit A of the agreement.

Timetable:

Action	Date	FR Cite
NPRM	08/25/83	49 FR 38742
Final Action New Source Review	04/00/89	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1845.

FTS:8:629-5592.

Agency Contact: Gary McCutchen, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5592**

RIN: 2060–AA68

3033. FEDERAL PROMULGATION OF STATE IMPLEMENTATION PLAN TO PROTECT VISIBILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7410 /CAA 110; 42 USC 7491 /CAA 169A

CFR Citation: 40 CFR 52

Legal Deadline: NPRM, Judicial, May 14, 1989.

Abstract: Section 169A of the CAA requires that State Implementation Plans (SIPs) contain provisions to remedy existing and prevent future visibility impairment in certain national parks and wilderness areas. In 1980, EPA promulgated guideline regulations for States to follow in developing their SIP revisions (40 CFR 51.300-307). Many States failed to submit adequate visibility SIPs and EPA was sued to force the Agency to promulgate SIPs for such States. EPA entered into a consent decree under which it agreed to promulgate SIPs implementing the requirements of the visibility regulations in States that have not submitted adequate SIPs. This activity was divided into four parts, the first and second of which have been completed. Parts III and IV are being proposed and promulgated according to the schedule shown.

Timetable:

Action	Date	FR Cite
NPRM	03/12/87	52 FR 7802
Final Action	11/24/87	52 FR 45132
NPRM Remedying Existing Impairment (Part III)	09/15/88	53 FR 35956
Final Action Remedying Existing Impairment (Part III)	05/00/89	
NPRM Remedying Existing Impairment (Part IV)	08/00/89	
Final Action Remedying Existing Impairment (Part IV)	05/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2428.

FTS:8-629-5634

Agency Contact: Denise W. Scott, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-0870**

RIN: 2060–AB82

3034. NEW SOURCE REVIEW REQUIREMENTS -- SURFACE COAL MINES AND FUGITIVE EMISSIONS

Significance: Regulatory Program

Legal Authority: 42 USC 7410/CAA 110; 42 USC 7470/CAA 160; 42 USC 7471/CAA 161; 42 USC 7472/CAA 162; 42 USC 7473/CAA 163; 42 USC 7474/CAA 164; 42 USC 7475/CAA 165; 42 USC 7476/CAA 166; 42 USC 7477/CAA 167; 42 USC 7478/CAA 168; 42 USC 7479/CAA 169

CFR Citation: 40 CFR 52.21; 40 CFR 51.166; 40 CFR 52.24; 40 CFR 51, Appendix S

Legal Deadline: None

Abstract: The various EPA regulations that govern new construction under the CAA generally apply to "major" new stationary sources of air pollution and "major" modifications of existing sources. They require fugitive emissions to be included in threshold applicability determinations of whether a new source is "major," but only for 30 categories of sources. The purpose of this action is to determine if surface coal mines should be added to the existing list of 30 categories. A companion action will respond to a petition on the more general issue of including fugitive emissions in NSR applicability determinations.

Timetable:

Action	Date	FR Cite
NPRM	10/26/84	49 FR 43211
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2298

FTS:8-629-5374

Agency Contact: William Lamason, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5374**

RIN: 2060–AC40

3035. NSPS: SOCMI AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Legal Deadline: None

Abstract: EPA has proposed regulations which would control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1618.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA30

3036. NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed this regulation which would control emissions of volatile organic compounds from new, modified, and reconstructed distillation facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1733.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AA35

3037. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 46464
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1736.

FTS:8-629-5625.

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AA36

3038. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: Final, Statutory, August 1982.

Abstract: Upon promulgation, this rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	52 FR 36678
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Sectors Affected: Multiple

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060–AA37

3039. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed to revise the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This proposal does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2044.

FTS: 8-629-5625.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5625**

RIN: 2060–AB22

3040. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed revisions to the existing NSPS for large fossil

fuel-fired steam generators which would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2083.

FTS: 8-629-5251.

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5251**

RIN: 2060–AB29

3041. NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Legal Deadline: None

Abstract: EPA has proposed limits on volatile organic compounds emissions from new, modified, and reconstructed plants that coat polymeric compounds onto supporting substrates.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/84	49 FR 32868
NPRM	04/30/87	52 FR 15906
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2237.

FTS:8-629-5568.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5568**

RIN: 2060–AB67

3042. STATE IMPLEMENTATION PLANS: APPROVAL OF POST -1987 OZONE AND CARBON MONOXIDE PLAN REVISIONS FOR AREAS NOT ATTAINING THE NATIONAL AMBIENT AIR QUALITY STANDARDS NAAQS

Significance: Regulatory Program

Legal Authority: 42 USC 7401 et seq/CAA

CFR Citation: 40 CFR Not applicable

Legal Deadline: None

Abstract: The EPA is developing a program to address the fact that many areas in the country have not attained the national ambient air quality standards (NAAQS) for ozone and carbon monoxide (CO) by December 31, 1987, the latest date for attainment expressly identified in the Clean Air Act. This notice describes EPA's views about how EPA should interpret the Act so as to bring those areas into attainment, the reasons for that interpretation, and the concrete steps EPA intends to take to implement that interpretation soon and in the long term. The final policy will be an advance notice of how EPA intends, in subsequent rulemakings, to judge the adequacy of State efforts to plan for attainment of the ozone and CO standards.

Timetable:

Action	Date	FR Cite
NPRM	11/24/87	52 FR 45044
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2559.

FTS:8-629-5517

Agency Contact: Brock Nicholson, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5517**

RIN: 2060–AB96

3043. NESHAP: CHROMIUM--COMFORT COOLING TOWERS

Significance: Regulatory Program

Legal Authority: 15 USC 2605; 15 USC 2607

CFR Citation: 40 CFR 749

Legal Deadline: None

Abstract: EPA issued a notice of intent to list total chromium or hexavalent chromium under Section 112 (50 FR 24317). EPA is further assessing the public health risks of chromium compounds and investigating emissions of chromium and techniques that are available to control the emissions from identified source categories. Emissions from cooling towers using chromium chemicals in the recirculating water are predominantly hexavalent. EPA analysis has indicated that emissions standards are warranted, and standards have been proposed under Section 6 of TSCA.

Timetable:

Action	Date	FR Cite
Notice of Solicitation	09/15/86	51 FR 32668
NPRM	03/29/88	53 FR 10205
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2386.

FTS-8-629-5625

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, **919 541-5625**

RIN: 2060–AC13

3044. NESHAP: BENZENE RECONSIDERATION

Significance: Regulatory Program

Legal Authority: 42 USC 7412/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Judicial, June 20, 1988. Final, Judicial, August 31, 1989.

Abstract: In June 1984, the Agency promulgated a NESHAP for benzene equipment leaks and withdrew proposed NESHAPS for benzene emissions from maleic anhydride plants, ethylbenzene/styrene plants, and benzene storage tanks (49 FR 23478). This action will reevaluate the three withdrawn proposals and the benzene fugitive NESHAP, along with coke oven by-product emission, consistent with the recent court decision on the vinyl chloride NESHAP.

Timetable:

Action	Date	FR Cite
NPRM	07/28/88	53 FR 28496
Final Action	08/00/89	

Small Entities Affected: None

EPA—CAA

Final Rule Stage

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2558.

FTS:8-629-5625

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AC41

3045. RURAL FUGITIVE DUST POLICY FOR PM10

Significance: Regulatory Program

Legal Authority: 42 USC 7401 /et. seq CAA

CFR Citation: 40 CFR 50; 40 CFR 52

Legal Deadline: None

Abstract: Since 1977, EPA has allowed States with rural fugitive dust areas (RFDAs) to discount fugitive dust in developing and enforcing a State Implementation Plan(SIP) for attainment and maintenance of the NAAQS for particulate matter (PM). On July 1, 1987, EPA promulgated revisions to its particulate matter National Ambient Air Quality Standards (NAAQS), 52 FR 24634. In this notice, EPA also solicited comments on alternatives for SIP requirements for RFDAs and on the adequacy of the definitions which are used in identifying RFDAs, and the importance of protecting annual versus 24-hour NAAQS (52 FR 24716). The EPA will issue its decision after considering public comments on the alternatives. The EPA will continue its existing fugitive policy and apply it to implementation of the revised particulate standard until a decision is made.

Timetable:

Action	Date	FR Cite
NPRM	07/01/87	52 FR 24716
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2543.

FTS:8-629-5634

Agency Contact: Robin M. Dunkins, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, 919 541-5335

RIN: 2060–AC44

3046. NESHAP: RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 7401/CAA 112

CFR Citation: 40 CFR 61

Legal Deadline: NPRM, Judicial, February 28, 1989. Final, Judicial, August 31, 1989.
U.S. Court of Appeals for the D.C. Circuit has granted EPA's motion to remand radionuclides NESHAPs and decisions not to regulate.

Abstract: EPA addressed the risks to individuals and to populations due to radionuclide emissions to air in rulemaking decisions issued in 1985. This action will reevaluate the NESHAP regulatory decisions for: Department of Energy Facilities, Nuclear Regulatory Commission Licenses, Elemental Phosphorous plants, Radon-222 emissions from uranium mill tailings, Coal-fired boilers, uranium fuel cycle facilities, inactive uranium mill tailings, high-level radio- active waste, and phosphogypsum piles, to insure they are consistent with the recent court decision on the Vinyl Chloride NESHAP.

Timetable:

Action	Date	FR Cite
NPRM	03/07/89	54 FR 9612
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2547.

FTS:8-475-9610

Agency Contact: Terrence A. McLaughlin, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 202 475-9610

RIN: 2060–AC47

3047. © NESHAP FOR ASBESTOS (COMPLIANCE REVISIONS)

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61, Subpart M

Legal Deadline: None

Abstract: The Agency is considering revisions to the Asbestos NESHAP to enhance enforcement and promote compliance with the standards. The revision would require monitoring and proper operation and maintenance of air pollution control devices used by asbestos milling, manufacturing, and fabricating sources. It also would require additional work practice and recordkeeping provisions for demolition and renovation operations, including asbestos waste disposal.

Timetable:

Action	Date	FR Cite
NPRM	01/10/89	54 FR 912
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 1714

FTS:8-629-5625

This action was split from the asbestos risk reduction revision (RIN 2060-AB51) so that the revised compliance revisions could be adopted on an accelerated schedule. The compliance provisions involve none of the legal issues that have delayed the risk reduction action (see "benzene reconsideration" and "asbestos revision, risk reduction").

Agency Contact: Fred Dimmick, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5625

RIN: 2060–AC57

3048. EMISSION STANDARDS AND TEST PROCEDURES FOR METHANOL-FUELED NEW MOTOR VEHICLES

Significance: Regulatory Program

Legal Authority: 42 USC 7521 / CAA 202

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This rule establishes emission standards and test procedures applicable to methanol-fueled light-duty vehicles, light-duty trucks, heavy-duty engines, and motorcycles. Current regulations apply only to gasoline-fueled and diesel-powered vehicles.

Timetable:

Action	Date	FR Cite
ANPRM	04/10/84	49 FR 14244
NPRM	08/29/86	51 FR 30984

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2112.

FTS: 8-374-8227.

Agency Contact: Chuck Moulis, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4229**

RIN: 2060–AB28

3049. CONTROL OF EXCESS EVAPORATIVE EMISSIONS/FUEL VOLATILITY

Significance: Regulatory Program

Legal Authority: 42 USC 7414; 42 USC 7541; 42 USC 7542; 42 USC 7521 /CAA 202; 42 USC 7525 /CAA 206; 42 USC 7545 /CAA 211; 42 USC 7601 /CAA 301(a)

CFR Citation: 40 CFR 80; 40 CFR 600; 40 CFR 86

Legal Deadline: None

Abstract: In-use motor vehicle evaporative hydrocarbon emissions greatly exceed their applicable EPA emissions standards. A major reason is that the volatility of commercial gasoline is substantially greater than that of the certification test fuel specified by EPA. On March 22, EPA promulgated a rule limiting the summertime volatility of gasoline. EPA will continue to assess whether additional control of gasoline volatility is cost-effective and reasonable.

Timetable:

Action	Date	FR Cite
NPRM	08/19/87	52 FR 31274
Final Rule	03/22/89	54 FR 11868
Final Action (Additional Control)	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2318.

FTS:8-374-8339

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, **313 668-4339**

RIN: 2060–AB89

3050. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7525 / CAA 206

CFR Citation: 40 CFR 86

Legal Deadline: None

Abstract: This action will result in amended rules to provide for certification of emissions compliance by small-volume manufacturers, including commercial importers importing vehicles into the United States. This action is appropriate to improve the certification regulations and assure compliance with the exhaust emission standards. Current rules for small-volume manufacturers were not specifically intended to apply to conversion of previously manufactured but uncertified configurations. However, increasingly large numbers of manufacturers who import vehicles for resale have applied for EPA certification as an alternative to individual vehicle importation. This will primarily impact businesses involved in importing motor vehicles. The likely impact of these changes will be increased costs to these businesses.

Timetable:

Action	Date	FR Cite
NPRM	03/09/88	53 FR 7676
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2143.

FTS: 8-374-8444.

Agency Contact: Charlie Cole, Environmental Protection Agency, Air and Radiation, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4444**

RIN: 2060–AB54

3051. VOLUNTARY AFTERMARKET PARTS CERTIFICATION REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) /CAA 207(b)

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: The U.S. Court of Appeals for the D.C. Circuit has directed EPA to amend the aftermarket parts certification regulations. There were four specific areas which the Court directed EPA to revisit. EPA was directed to develop better procedures for determining adequate grounds for manufacturer denial of a warranty claim; reconsider inclusion of specialty parts into the certification system; improve the procedure for resolution of warranty cost claims by vehicle manufacturers against certified parts manufacturers; and labeling for certified parts.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	52 FR 924
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: SAR No. 2145.

FTS: 8-374-8316

Agency Contact: Mike Sabourin, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, **313 668-4316**

RIN: 2060–AB58

3052. MOTOR VEHICLE EMISSIONS PERFORMANCE WARRANTY SHORT TESTS

Legal Authority: 42 USC 7541 /CAA 207

CFR Citation: 40 CFR 85

Legal Deadline: None

Abstract: This action will consider allowing alternative dynamometer specifications for an existing loaded-mode short test approved for use in State and local inspection/maintenance programs in conjunction with the federal emissions performance warranty regulations. The alternative specifications the Agency is considering would allow lower loading, perhaps varying by engine size. Such a change could improve overall test effectiveness for identifying excess in-use emissions and correlation with the Federal Test Procedure.

EPA—CAA **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51956
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2638

FTS:8-374-4471

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, Emission Control Technology Division, 2565 Plymouth Rd, Ann Arbor, MI 48105, **313 668-4471**

RIN: 2060–AC51

3053. FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT (REVISION)

Significance: Regulatory Program

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Legal Deadline: None
No deadline for final rulemaking. Report to Congress and the President due 10/28/88.

Abstract: EPA is examining information relevant to a ban on the use of lead in gasoline. The Agency is considering a set of alternatives ranging from no regulatory action to a ban. The Agency recently completed a cooperative study with the U.S. Department of Agriculture to assess the effects of a lead ban on farm equipment. A report to the President and Congress was prepared and submitted in September 1988. A notice of availability of the report was published in the Federal Register on October 7, 1988 (53 FR 39516).

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9386
NOTICE - announcement of findings and recommendations	10/07/88	53 FR 39516

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Impact Analysis; Regulatory Flexibility Analysis

Additional Information: SAR No. 2214.

FTS: 8-382-2633.

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, **202 382-2633**

RIN: 2060–AB60

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Clean Air Act (CAA)

Completed Actions

3054. NSPS: SEWAGE TREATMENT PLANTS (REVISION)

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	10/06/88	53 FR 39412
Final Action Effective	10/06/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Al Vervaert 919 541-5602

RIN: 2060–AB05

3055. NSPS: CEMENT PLANTS (REVISION)

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	12/14/88	53 FR 50354
Final Action Effective	12/14/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Doug Bell 919 541-5568

RIN: 2060–AB38

3056. NSPS: VOC EMISSIONS FROM PETROLEUM REFINERY WASTEWATER SYSTEMS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	11/23/88	53 FR 47616
Final Action Effective	11/23/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Fred Dimmick 919 541-5625

RIN: 2060–AB81

3057. NSPS: COAL PREPARATION PLANTS (REVIEW)

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review	04/03/89	54 FR 13384

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Al Vervaert 919 541-5602

RIN: 2060–AB84

3058. NSPS: MAGNETIC TAPE MANUFACTURING

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
Final Action	10/03/88	53 FR 38892
Final Action Effective	10/23/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Fred Dimmick 919 541-5625

RIN: 2060–AB88

3059. PSD REGULATIONS FOR NOX

Significance: Regulatory Program

CFR Citation: 40 CFR 51; 40 CFR 52

EPA—CAA **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	10/17/88	53 FR 40656
Final Action Effective	10/17/88	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Eric Noble 919 541-5362

RIN: 2060–AC24

3060. PARTICULATE EMISSION STANDARDS FOR CERTAIN 1987 AND LATER MODEL YEAR LIGHT-DUTY DIESEL TRUCKS (REVISION)

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	10/31/88	53 FR 43870

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Robertson 202 382-2525

RIN: 2060–AC18

3061. AMENDMENTS TO SELECTIVE ENFORCEMENT AUDITING REGULATIONS

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	01/19/89	54 FR 2118

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stephen Sinkez 202 382-4104

RIN: 2060–AC34

3062. DIESEL FUEL QUALITY STANDARDS

Significance: Regulatory Program

CFR Citation: 40 CFR 79; 40 CFR 80

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2060-AC00		

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Richard Rykowski 313 668-4339

RIN: 2060–AC11

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA) Proposed Rule Stage

3063. REPORTABLE QUANTITIES (RQS) FOR SUBSTANCES ON THE EXTREMELY HAZARDOUS SUBSTANCES LIST

Significance: Regulatory Program

Legal Authority: 42 USC 11002 / SARA 302; 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This action will adjust the reportable quantities (RQs) for 232 substances on the Extremely Hazardous Substances List, which EPA has proposed for designation as CERCLA hazardous substances. These RQ adjustments will reduce unnecessary reporting of releases to local, State, and Federal officials.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2429.

FTS:8-382-5650

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington, DC 20460, 202 382-5650

RIN: 2050–AC14

3064. ● NATIONAL CONTINGENCY PLAN-SUBPART K: A ROADMAP TO THE NCP FOR FEDERAL FACILITIES

Legal Authority: 42 USC 9605 /CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: Subpart K will serve as a roadmap to the NCP for requirements pertaining to Federal agencies conducting response actions at Federal facilities where the release is on or where the sole source is from their facility. Subpart K will not reopen language or revisit issues already developed and agreed upon by the NCP workgroup for the proposed NCP.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2650

FTS:8-475-9801

Agency Contact: Linda Southerland, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, 202 475-9801

RIN: 2050–AC76

3065. ● NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 8

Legal Authority: 42 USC 9605(a)(8)(b)/CERCLA 105(a)(8)(b)

CFR Citation: 40 CFR 300.66

Legal Deadline: None

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2667

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, 401 M St., S.W. (OS-230), Washington, D.C. 20460, **202 382-3000**

RIN: 2050–AC81

3066. RESPONSE CLAIMS PROCEDURES FOR THE HAZARDOUS SUBSTANCES SUPERFUND

Legal Authority: 42 USC 9612 / CERCLA 112

CFR Citation: 40 CFR 307

Legal Deadline: None

Abstract: This action prescribes the forms and procedures for persons other than governments to recover response costs incurred in carrying out the National Contingency Plan.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2564.

FTS: 8-382-4645.

Agency Contact: William O. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, **202 382-4645**

RIN: 2050–AA90

3067. ADMINISTRATIVE HEARING PROCEDURE FOR SUPERFUND CLAIMS

Legal Authority: 42 USC 9612(b) /CERCLA 112(b)

CFR Citation: 40 CFR 305

Legal Deadline: None

Abstract: Section 112(b)(2) of CERCLA as amended, provides that a person who has made a claim against the Superfund and is dissatisfied with the award by EPA may request an administrative hearing. Such hearings shall be before an administrative law judge. The purpose of this rule would be to establish procedures for conducting administrative hearings. The procedures of this rule would replace the Arbitration procedures, formerly codified at 40 CFR Part 305, revoked as a result of the amendments to section 112.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2498.

FTS:8-382-4645

Agency Contact: William O. Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-220), Washington, DC 20460, **202 382-4645**

RIN: 2050–AC26

3068. ● DELISTING CERTAIN CHEMICALS FROM THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES (REVISION)

Legal Authority: 42 USC 11013 /SARA 302

CFR Citation: 40 CFR 355

Legal Deadline: None

Abstract: This proposed rule will amend the Title III List of Extremely Hazardous Substances by delisting certain chemicals from the list. Review of the technical background documents indicate that at least one and perhaps other chemicals may not meet the criteria originally established for listing the substances.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2674

FTS:8-382-7912

Agency Contact: Kathleen Bishop, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-322), Washington, DC 20460, **202 382-7912**

RIN: 2050–AC77

3069. EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS AND COMMUNITY RIGHT-TO-KNOW REPORTING REQUIREMENTS; IMPLEMENTATION OF REPORTING REQUIREMENTS FOR INDIAN LANDS

Significance: Regulatory Program

Legal Authority: 42 USC 11011(b)/SARA 311(b); 42 USC 11012(b)/SARA 312(b); 42 USC 11002/SARA 302; 42 USC 11004/SARA 304; 42 USC 11013/SARA 313; 42 USC 11028/SARA 323

CFR Citation: 40 CFR 350; 40 CFR 355; 40 CFR 370; 40 CFR 372

Legal Deadline: None

Abstract: Under Title III of SARA, EPA has authority to establish thresholds below which facilities do not have to report. In the rule published on October 15, 1987, EPA set reporting thresholds for the first two years of reporting. At the same time, the Agency made a commitment to further evaluate the appropriate level for a permanent threshold. The proposed rule sets forth the proposed permanent threshold for reporting as well as proposed amendments to the sections 302, 304, and 313 final rules.

Timetable:

Action	Date	FR Cite
NPRM	03/29/89	54 FR 12992
NPRM Comment Period End	05/30/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2644

FTS:8-472-8353

Agency Contact: Kathleen Brody, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-120), Washington, DC 20460, **202 475-8353**

RIN: 2050–AB88

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Final Rule Stage

3070. DESIGNATION OF EXTREMELY HAZARDOUS SUBSTANCES AS CERCLA HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 302

Legal Deadline: None

Abstract: This rule may propose to designate 232 non-CERCLA extremely hazardous substances (EHS), as defined in Section 302 of SARA Title III, as hazardous substances pursuant to Section 102 of CERCLA. Currently, only releases of those EHSs that are also CERCLA hazardous substances are required to be reported to the National Response Center under CERCLA Section 103. Upon designation, potential confusion concerning the different SARA Title III and CERCLA requirements might be reduced by ensuring consistent procedures for reporting releases of all EHSs.

Timetable:

Action	Date	FR Cite
NPRM	01/23/89	54 FR 3388
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2336.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Gerain H. Perry, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, D.C. 20460, 202 382-5650

RIN: 2050–AB62

3071. REPORTING CONTINUOUS RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102

CFR Citation: 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: The purpose of this action is to clarify the reduced reporting requirements pursuant to Section 103(f)(2) of CERCLA for facilities that have continuous and stable releases of hazardous substances in amounts at or above their reportable quantities.

Timetable:

Action	Date	FR Cite
NPRM	04/19/88	53 FR 12868
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2411.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington, DC 20460, 202 382-2463

RIN: 2050–AA46

3072. REPORTABLE QUANTITIES FOR RELEASES OF POTENTIAL CARCINOGENS AND OTHER HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 / CERCLA 102; 33 USC 1321 / CWA 311; 33 USC 1361/CWA 501(a); E.O. No. 11735

CFR Citation: 40 CFR 117; 40 CFR 302

Legal Deadline: NPRM, Statutory, December 31, 1986. Final, Statutory, April 30, 1988.

Abstract: In March 1987 the Agency proposed adjusting, where appropriate, the statutory reportable quantities (RQs) for 273 of the hazardous substances identified in Section 101(14) of CERCLA, as amended. Most (269) of these substances were evaluated for potential carcinogenicity. SARA 202 amends CERCLA 306 to require the Department of Transportation (DOT) to list and regulate as hazardous materials all CERCLA hazardous substances. These regulations require that when these materials are shipped in quantities equal to or greater than their RQs, they be identified as hazardous substances on shipping papers and package markings. DOT promulgated this rule with an effective date of July 1, 1987. The DOT has received several inquiries concerning six frequently transported CERCLA hazardous substances that had their RQs proposed to be adjusted upward in the March 16, 1987 rule. EPA has decided to expedite the final RQ adjustments for these six substances to relieve the regulatory burden on industry. In addition, in this final rule EPA will promulgate the RQs for lead and five lead compounds that were proposed in March 2, 1988 (53 FR 6762).

Timetable:

Action	Date	FR Cite
NPRM	03/16/89	52 FR 8140
Final Action	04/00/89	
Final Action for six substances	04/00/89	
Final Action for 267 substances	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2104.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. (382-3000).

Agency Contact: Ivette O. Vega, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, DC 20460, 202 382-2463

RIN: 2050–AA80

3073. REPORTABLE QUANTITIES (RQS) FOR RELEASES OF RADIONUCLIDES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102; 33 USC 1321/CWA 311; 33 USC 1361/CWA 501(a)

CFR Citation: 40 CFR 302

Legal Deadline: NPRM, Statutory, December 31, 1986. Final, Statutory, April 30, 1988.

Abstract: EPA is adjusting the statutory one-pound reportable quantity (RQ) for radionuclides pursuant to Section 102 of CERCLA. Radionuclides consist of approximately 1,500 radioactive isotopes whose release represents differing degrees of potential harm to human health and the environment. The Agency has proposed individual adjusted RQs for 757 radionuclides, and an RQ of one curie for all of the remaining radionuclides.

Timetable:

Action	Date	FR Cite
NPRM	03/16/87	52 FR 8172
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Additional Information: SAR No. 2335.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (202-382-3000)

Agency Contact: Pamela Harris, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-210), Washington, D.C. 20460, 202 475-9814

RIN: 2050–AB60

3074. REPORTING EXEMPTIONS FOR FEDERALLY PERMITTED RELEASES OF HAZARDOUS SUBSTANCES

Significance: Regulatory Program

Legal Authority: 42 USC 9602 /CERCLA 102

CFR Citation: 40 CFR 117; 40 CFR 302; 40 CFR 355

Legal Deadline: None

Abstract: In the May 25, 1983 NPRM (48 FR 23552) that proposed to adjust certain reportable quantities (RQs) for releases of hazardous substances, EPA explained the Agency's interpretation of each of the types of releases exempted by the definition of "federally permitted release" in Section 101(10) of CERCLA. Because of the amount of time that has passed and additional analysis undertaken since that NPRM, this action reproposes regulations to clarify the statutory language in Section 101(10) of CERCLA.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27268
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2394.

RCRA/Superfund Hotline 800-424-9346, in Washington DC 202-382-3000

Agency Contact: Hubert Watters, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, 202 382-2463

RIN: 2050–AB82

3075. PROCEDURES FOR PLANNING AND IMPLEMENTING OFF-SITE RESPONSE ACTIONS

Significance: Regulatory Program

Legal Authority: 42 USC 9604(c)/CERCLA 104(c); 42 USC 9621(d)(3)/CERCLA 121(d)(3); 33 USC 1321(c)(2)/CWA 311(c)(2)

CFR Citation: 40 CFR 300

Legal Deadline: None

Abstract: This rule interprets and codifies (1) the requirements of Section 121(d)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and (2) the revised off-site policy directive (November 13, 1987). Section 121(d)(3) and the directive describe procedures that must be observed when a response action funded under CERCLA or using a CERCLA authority involves off-site transfer of CERCLA wastes. Section 121(d)(3) of SARA specifies that wastes from removal or remedial actions under CERCLA: 1) only be transferred to facilities that are in compliance with Sections 3004 and 3005 of the Resource Conservation and Recovery Act (RCRA), other applicable Federal laws and State laws, and 2) only be transferred to units at hazardous waste land disposal facilities that are not leaking and where releases from other (non-receiving) units at the facility are under a corrective action program.

Timetable:

Action	Date	FR Cite
NPRM	11/29/88	53 FR 48218
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2538.

FTS:8-382-4808

Agency Contact: Susan Bromm, Acting Director, RCRA Enforcement Division, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-520), Washington, DC 20460, 202 382-4808

RIN: 2050–AC35

3076. NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN (NCP)

Significance: Regulatory Program

Legal Authority: 33 USC 1321 / CWA 311; 42 USC 9605 / CERCLA 105

CFR Citation: 40 CFR 300

Legal Deadline: NPRM, Statutory, April 17, 1988.

Abstract: The National Contingency Plan (NCP) is the primary regulation directing government and responsible party response to and cleanup of discharges of oil, and releases of hazardous substances, pollutants and contaminants. The Superfund Amendments and Reauthorization Act of 1986 mandated that the NCP be revised within 18 months of the date of enactment to incorporate statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	53 FR 51394
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Analysis: Regulatory Impact Analysis

Additional Information: SAR No. 2400.

FTS-8-475-8406.

Agency Contact: Tod Gold, Environmental Protection Agency, Solid Waste and Emergency Response, OS-240, Washington, DC 20460, 202 475-8406

RIN: 2050–AA75

3077. HAZARD RANKING SYSTEM FOR UNCONTROLLED HAZARDOUS SUBSTANCE RELEASES

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(A) / CERCLA 105(a)(8)(A); 42 USC 9605(c) / CERCLA 105(C); 42 USC 9618/CERCLA 118; 42 USC 9625/CERCLA 125

CFR Citation: 40 CFR 300

Legal Deadline: Final, Statutory, April 17, 1988.

Abstract: This action revises the Hazard Ranking System (HRS) which is Appendix A of the National Contingency Plan. The HRS is a system

EPA—CERCLA **Final Rule Stage**

for determining the relative risk among releases of hazardous substances. The HRS is the primary mechanism for establishing the National Priorities List under CERCLA. CERCLA requires that the HRS be amended to assure, to the extent feasible, that it accurately assesses relative risk to public health and the environment. CERCLA specifically requires that the HRS take into consideration natural resource damages that may affect the human food chain as well as potential air contamination. The HRS must also appropriately assess human health risks associated with contamination of surface waters for drinking or recreation.

Timetable:

Action	Date	FR Cite
ANPRM	04/09/87	52 FR 11513
NPRM	12/23/88	53 FR 51962
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2566.

FTS: 8-382-4604

Agency Contact: Steve Caldwell and Jane Metcalfe, Environmental Protection Agency, Solid Waste and Emergency Response, OS-230, Washington, DC 20460, 202 382-3000

RIN: 2050–AB73

3078. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - UPDATE 7

Significance: Regulatory Program

Legal Authority: 42 USC 9605 /CERCLA 105; 42 USC 9620 /CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update.

Abstract: This action is the seventh proposed update to the National Priorities List (NPL) for uncontrolled hazardous waste sites that the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23988
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5358.

Superfund/RCRA Hotline 800-424-9346 or in Metropolitan Area 202-382-5000

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC16

3079. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATE 5

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B)/CERCLA 105(a)(8)(B); 42 USC 9620(d)(2)/CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update.

Abstract: This action is the fifth final update to the National Priorities List (NPL) for uncontrolled waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.

Timetable:

Action	Date	FR Cite
NPRM	06/10/86	51 FR 21099
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5433.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (382-3000)

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC45

3080. NATIONAL PRIORITIES LIST (NPL) FOR UNCONTROLLED HAZARDOUS WASTES SITES - UPDATE 6

Significance: Regulatory Program

Legal Authority: 42 USC 9605(a)(8)(B)/CERCLA 105(a)(8)(B); 42 USC 9620(d)(2)/CERCLA 120(d)(2)

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update

Abstract: This action is the sixth final update to the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the Agency revise the NPL at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substance releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites.

Timetable:

Action	Date	FR Cite
NPRM	01/22/87	52 FR 2492
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5434.

RCRA/Superfund Hotline (800-424-9346); in Metropolitan Area (382-3000)

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC47

3081. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - RCRA SITES

Significance: Regulatory Program

Legal Authority: 42 USC 9605/CERCLA 105

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory. Annual Update

EPA—CERCLA **Final Rule Stage**

Abstract: This action proposes revisions to the National Priorities List (NPL), Appendix B to the National Contingency Plan (NCP). This action is proposed for sites in accordance with the NPL policy concerning sites subject to the Subtitle C corrective action authorities of the Resource Conservation and Recovery Act (RCRA). This action reproposes thirteen RCRA sites there were previously proposed for the NPL and proposes to drop 30 RCRA sites from the proposed NPL.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23978
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 5357.

RCRA/Superfund Hotline 800-424-9346, in Washington DC 202-382-3000.

Agency Contact: Henry Stevens, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 202 382-3000

RIN: 2050–AC48

3082. NATIONAL PRIORITIES LIST FOR UNCONTROLLED HAZARDOUS WASTE SITES - FEDERAL FACILITY POLICY AND LISTING

Significance: Regulatory Program

Legal Authority: 42 USC 9605/CERCLA 105; 42 USC 9620/CERCLA 120

CFR Citation: 40 CFR 300.66

Legal Deadline: Other, Statutory, Annual Update.

Abstract: This action revises the National Priorities List (NPL) for uncontrolled hazardous waste sites in the National Contingency Plan (NCP). CERCLA requires that the NPL be revised at least annually. Periodic revisions will allow EPA to include sites on the NPL with known or threatened hazardous substances releases and to delete sites that have been cleaned up. EPA uses the Hazard Ranking System (HRS) to evaluate the sites. The Agency will propose Federal facility sites. See the related actions in the proposed and final rule sections of this Agenda.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10512
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 0932.

FTS:8-382-3412

Agency Contact: Sandra J. Crystall, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-230), Washington, DC 20460, 800 424 - 9346, 202 382-3000

RIN: 2050–AC57

3083. ARBITRATION PROCEDURES FOR SMALL SUPERFUND COST RECOVERY CLAIMS

Legal Authority: 42 USC 9607(a)/CERCLA 107(a); 42 USC 9622(h)/SARA 122(h)

CFR Citation: 40 CFR 304

Legal Deadline: None

Abstract: This regulation will establish and govern the procedures for arbitration of small CERCLA 107(a) cost recovery claims pursuant to the authority granted EPA by SARA 122(h)(2). The regulation will provide a voluntary procedure by which EPA and PRPs at a site may agree to submit a cost recovery claim for resolution by arbitration. Arbitration may be used only when the total response costs for the facility concerned do not exceed $500,000, excluding interest. Arbitration is an alternative dispute resolution technique that should provide a faster and less costly method of case resolution than traditional litigation and negotiations.

Timetable:

Action	Date	FR Cite
NPRM	08/04/88	53 FR 29428
NPRM Comment Period End	10/03/88	53 FR 29428
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2455.

FTS:8-382-3077

Agency Contact: Janice Linett, Attorney/Advisor, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, Office of Enforcement and Compliance, Monitoring LE-134S, Wash. DC 20460, 202 382-3077

RIN: 2050–AC36

3084. CITIZEN AWARDS FOR INFORMATION ON CRIMINAL VIOLATIONS UNDER SUPERFUND

Legal Authority: 42 USC 6909(d)/CERCLA 109(d)

CFR Citation: 40 CFR 303

Legal Deadline: None

Abstract: This regulation is being promulgated in response to the requirements established by Section 109(c) of the Superfund Amendments and Reauthorization Act (SARA), codified as CERCLA Section 109(d). This statutory provision authorizes the President to pay an award of up to $10,000 to any individual for information leading to the successful prosecution of any person for a criminal violation of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. Section 109(d) also requires the President to prescribe by regulation criteria for such an award. On January 23, 1987 by Executive Order No. 12580, the President delegated to the Administrator of EPA the authority to promulgate the within regulation, and thereafter to carry out the Section 109(d) award program. This regulation is being promulgated on an interim-final basis in order to permit the more expeditious protection of the public health and the environment, as directed by Congress for this provision of SARA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/05/88	53 FR 16086
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2495.

FTS:8-475-9666

Agency Contact: Keith Onsdorff, Senior Attorney - Advisor, Environmental Protection Agency, Solid Waste and Emergency Response, Environmental Protection Agency, 401

M Street SW LE-134, Washington, DC 20460, **202 475-9666**

RIN: 2050–AC38

3085. TECHNICAL ASSISTANCE GRANTS TO GROUPS OF INDIVIDUALS AT SUPERFUND SITES

Legal Authority: 42 USC 9617 / SARA 117

CFR Citation: 40 CFR Subpart M

Legal Deadline: None

Abstract: Superfund Amendments and Reauthorization Act 1986 requires that EPA develop grant regulations for technical assistance for citizen groups. Under Section 117(e) groups of individuals may apply for the technical assistance grants only at NPL sites. The grants are limited to $50,000 per site and require matching funds. This limit may be waived.

Timetable:

Action	Date	FR Cite
ANPRM	06/10/87	52 FR 22244
Interim Final Rule	03/24/88	53 FR 9736
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2401.

FTS:8-382-2460

Agency Contact: Daphne Gemmill, Environmental Protection Agency, Solid Waste and Emergency Response, U.S. Environmental Protection Agency, 401 M St., S.W. (OS-220), Washington, D.C. 20460, **202 382-2460**

RIN: 2050–AC10

3086. REPORTING HAZARDOUS SUBSTANCES ACTIVITY WHEN TRANSFERRING FEDERAL REAL PROPERTY

Legal Authority: 42 USC 9601/SARA 120

CFR Citation: 40 CFR 373

Legal Deadline: Final, Statutory, April 17, 1988.

Abstract: Section 120(h) of SARA requires that EPA, in consultation with the General Services Administration, promulgate rules which will require the disclosure of the type and quantity of any hazardous substances that have been stored, released or disposed of on federally owned land when such land is sold or otherwise transferred by the United States. This section of SARA also requires that: (1) the agencies holding such land provide, at the time of transfer, a covenant warranting that all remedial actions necessary for protection of human health and the environment have been taken; and (2) any additional action found to be necessary after the transfer will be undertaken by the U.S. EPA is not required to develop rules concerning these latter requirements and is not doing so.

Timetable:

Action	Date	FR Cite
NPRM	01/13/88	53 FR 850
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: SAR No. 2464.

FTS:8-382-5647

Agency Contact: Sherry Sterling, Environmental Protection Agency, Solid Waste and Emergency Response, (OS-510), Washington, DC 20460, **202 382-5646**

RIN: 2050–AC00

3087. REIMBURSEMENT OF LOCAL GOVERNMENTS FOR EMERGENCY RESPONSE TO HAZARDOUS SUBSTANCE RELEASES

Legal Authority: 42 USC 9623 / SARA 123; 42 USC 9611(c)(11)

CFR Citation: 40 CFR 310

Legal Deadline: Final, Statutory, October 17, 1987.

Abstract: This provision authorizes reimbursement of local governments for costs incurred in providing temporary emergency measures in response to releases of hazardous substances. Reimbursement is limited to $25,000 per incident and is not intended to supplant local funds normally provided for response.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/87	52 FR 39386
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2409.

FTS:8-382-3382

Agency Contact: Karen Z. Burgan, Environmental Protection Agency, Solid Waste and Emergency Response, OS-210, Washington DC 20460, **202 382-3382**

RIN: 2050–AC11

3088. WORKER PROTECTION STANDARDS FOR HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

Legal Authority: 42 USC 9626(f) /SARA Sec 126(f)

CFR Citation: 40 CFR Not yet determined

Legal Deadline: Other, Statutory. 90 days after the Department of Labor promulgates standards.

Abstract: The Superfund Amendments and Reauthorization Act of 1986 (SARA) required the Secretary of Labor, within one year of the date of enactment, to promulgate standards for the health and safety protection of employees engaged in hazardous waste operations. SARA requires the Administrator of EPA to promulgate identical standards applicable to employees of State and Local governments in each State (currently 30) that does not have in effect an approved State Plan under Section 18 of the Occupational Safety and Health Act of 1970.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40692
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: SAR No. 2427.

FTS:8-382-6741

Agency Contact: Rodney Turpin, Environmental Protection Agency, Solid Waste and Emergency Response, **201 321-6741**

RIN: 2050–AC12

3089. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS I CIVIL PENALTIES UNDER CERCLA AND THE EMERGENCY PLANNING COMMUNITY RIGHT TO KNOW ACT

Legal Authority: 42 USC 9609/SARA 325

EPA—CERCLA

Final Rule Stage

CFR Citation: 40 CFR Not yet determined

Legal Deadline: None

Abstract: The purpose of the rulemaking is to propose regulations which will govern the conduct of administrative hearings for (1) Class I penalties to be assessed under SARA Section 325(b), and (2) other similar penalties assessed under SARA Section 325(d). The action is expected to have negligible economic impact on consumers industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2511.

FTS:8-475-9437

Agency Contact: Sandra Connors, Environmental Protection Agency, Solid Waste and Emergency Response, OECM, Waste Division, Washington, DC 20460, **202 382-3110**

RIN: 2050–AC37

3090. ADMINISTRATIVE HEARING PROCEDURES FOR CLASS II PENALTIES UNDER CERCLA AND EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT

Legal Authority: 42 USC 9609/SARA 325

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: This rule will govern the conduct of administrative hearings for (1) Class II penalties to be assessed under CERCLA Section 109 and SARA Section 325(b) and (2) other similar penalties assessed under SARA Section 325(c). The rule provides the procedures for these penalty assessments. The action is expected to have negligible economic impact on consumers, industries, or governmental agencies, but will provide the benefit of uniform procedures for assessing penalties.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR NO. 2512

FTS:8-475-9437

Agency Contact: Sandra Connors, Environmental Protection Agency, Solid Waste and Emergency Response, U.S. Environmental Protection Agency, OECM Waste Division, Washington, DC 20460, **202 382-3110**

RIN: 2050–AC39

3091. PRIOR NOTICE OF CITIZEN SUITS UNDER CERCLA AND THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT

Legal Authority: 42 USC 9659/SARA 326; 42 USC 11046/CERCLA 310

CFR Citation: 40 CFR 310; 40 CFR 326

Legal Deadline: None

Abstract: These regulations are promulgated under Section 326 of Title III of SARA and Section 310 of CERCLA. They govern the notice required to be given 60 days prior to the filing of a citizen suit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/89	54 FR 3918
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2615

FTS:8-382-2860

Agency Contact: Belinda Holmes, Environmental Protection Agency, Solid Waste and Emergency Response, OECM, Washington, DC 20460, **202 382-2860**

RIN: 2050–AC70

ENVIRONMENTAL PROTECTION AGENCY (EPA) —Superfund (CERCLA)

Completed Actions

3092. EMERGENCY AND HAZARDOUS CHEMICAL INVENTORY FORMS AND COMMUNITY RIGHT-TO-KNOW REPORTING REQUIREMENTS; IMPLEMENTATION OF REPORTING REQUIREMENTS FOR INDIAN LANDS

Significance: Regulatory Program

CFR Citation: 40 CFR 350; 40 CFR 355; 40 CFR 370; 40 CFR 372

Completed:

Reason	Date	FR Cite
RIN Changed to Regulatory Program RIN: 2050-AB88		

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Kathleen Brody 202 475-8353

RIN: 2050–AC34

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Prerule Stage

3093. ● COLLECTION OF CIVIL PENALTIES UNDER TITLE II OF THE TOXIC SUBSTANCES CONTROL ACT, AND THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT

Legal Authority: 15 USC 2647

CFR Citation: 40 CFR 22.38

Legal Deadline: None

Abstract: This rule amends the Agency's Consolidated Rules of Practice Governing the Administrative Agreement of Civil Penalties. The Asbestos Hazard Emergency Response Act (AHERA) of 1986 establishes requirements for Local Educational Agencies (LEAs). Section 207 of AHERA provides for civil penalties collected from LEAs to be deposited in the Asbestos Trust Fund, which is established under AHERA Section 5. This rulemaking will simply confirm the existing Consolidated Rules of Practice to the AHERA requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local

Additional Information: SAR No. 2609.

FTS:8-475-8690

Agency Contact: Jon Silberman, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-134P), Washington, DC 20460, **202 475-8690**

RIN: 2020–AA14

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Proposed Rule Stage

3094. DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Significance: Regulatory Program

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Legal Deadline: None

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will amend the procedures to be used when EPA is considering the use of Section 404(c) of the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. The revisions will reflect our experiences to date under Section 404(c), and more clearly address use of 404(c) in advance of a specific proposed discharge.

Timetable:

Action	Date	FR Cite
NPRM	07/00/90	
Final Action	06/00/91	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2196.

FTS: 8-475-7799

Agency Contact: Suzanne E. Schwartz, Environmental Protection Agency, Water, (A-104F), Washington, DC 20460, **202 475-7799**

RIN: 2040–AB20

3095. EVALUATION PROCEDURE FOR AWARD OF FIXED PRICE CONTRACTS FOR COMMERCIAL SUPPLIES AND SERVICES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: The rule will result in the addition of an evaluation procedure to EPA Aquisition Regulation for making award of certain fixed price contracts for commercial supplies or services the procedure will provide for award to the lowest price offeror whose technical proposal meets the minimum needs of the government.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5452

FTS:8-382-5035

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5035**

RIN: 2030–AA09

3096. CONTRACTOR COMPLIANCE WITH INFORMATION RESOURCES MANAGEMENT DIRECTIVES

Legal Authority: EPAAR

CFR Citation: 48 CFR 1510; 48 CFR 1552

Legal Deadline: None

Abstract: This rule will require contractor compliance with Agency directives for contracts involving information resources management. Examples of such contracts include the acquisition or modification of a computer program, data communications, and ADP or word processor equipment or services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5451

FTS:8-382-5028

P.L. 98-377, Sec. 302

Agency Contact: Edward Chambers, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5028**

RIN: 2030–AA10

3097. IMPLEMENTATION OF FEDERAL ACQUISITION REGULATION COVERAGE ON RATIFICATION OF UNAUTHORIZED COMMITMENTS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501

Legal Deadline: None

Abstract: Federal Acquisition Circular 84-33, dated February 8, 1988 amended the Federal Acquisition Regulation to provide coverage on ratification of unauthorized commitments. This rule will delete duplicative FAR information in the EPA Acquisition Regulation, and implement policies and procedures unique to EPA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5449

FTS:8-382-5035

Agency Contact: Eleanor Norment, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, **202 382-5035**

RIN: 2030–AA12

3098. ● PAYMENT OF FEE ON TERM FORM CONTRACTS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1516; 48 CFR 1552

Legal Deadline: None

Abstract: The proposed rule will address the payment of fees on cost-reimbursable term form contracts. The rule will recommend a change to the current procedure of making provisional payments of fee as a percentage of cost incurred to a method based on the number of direct hours performed in relation to the total level of effort in the contract.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2683

FTS:8-245-3755 P.L. 98-377 Section 302

Agency Contact: Carolyn Williams, Environmental Protection Agency, Administration and Resource Management, PM-214F, Washington, DC 20460, **202 245-3755**

RIN: 2030–AA15

3099. ● AMENDMENTS TO PART 22 CONSOLIDATED PROCEDURAL RULES

Legal Authority: 7 USC 1361(a); 15 USC 2615(a); 33 USC 1415(a); 42 USC 7545; 42 USC 7601; 42 USC 6928

CFR Citation: 40 CFR 22

Legal Deadline: None

Abstract: The Agency is proposing technical amendments to the Consolidated Rules of Practice under 40 CFR Part 22. These amendments will include correction of the address to which penalty payments are sent, lengthening the period to file an appeal, and modifying the specified procedures for service of process. The Agency will solicit other technical amendments and incorporate them in the rules as appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2662.

FTS:8-475-8781

Agency Contact: Larry Blackwood, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-130a), Washington, DC 20460, **202 475-8781**

RIN: 2020–AA13

3100. CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Legal Deadline: None

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	09/00/90	
Final Action	03/00/91	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2195.

FTS: 8-382-5460

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, **202 382-5460**

RIN: 2020–AA06

3101. ● PROCEDURES AND REQUIREMENTS IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT FOR THE ENVIRONMENTAL PROTECTION AGENCY'S RESEARCH AND DEVELOPMENT PROGRAM

Legal Authority: 42 USC 4321

CFR Citation: 40 CFR 6.700

Legal Deadline: None

Abstract: This action amends EPA's Environmental Policy Act (NEPA) regulation in 40 CFR Part 6, Subpart G which addresses the environmental review procedures for research and development projects undertaken by EPA's Office of Research and Development (ORD). The purpose of this rulemaking is to develop procedures for categorically excluding classes of ORD actions having no significant impact on the environment, from the requirement to prepare an environmental assessment (EA) or an environmental impact statement (EIS). The rulemaking also clarifies the criteria under which EPA would be required to prepare an EIS. This rulemaking will enable EPA to focus its resources on assessing research and development projects which have the potential to significantly affect the environment. The revisions are consistent with the Council on Environmental Quality's NEPA regulation in 40 CFR Parts 1500-1508.

EPA—GENERAL

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR 2536

FTS:8-382-5905

Agency Contact: Judith Troast, Environmental Protection Agency, Administration and Resource Management, (A-104), Washington, DC 20460, 202 382-5905

RIN: 2030–AA14

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Final Rule Stage

3102. ENVIRONMENTAL PROTECTION AGENCY ACQUISITION REGULATION (EPAAR); SUBMISSION OF GENERAL FINANCIAL AND ORGANIZATIONAL INFORMATION, AND PURCHASING SYSTEM INFORMATION BY OFFERORS

Legal Authority: EPAAR

CFR Citation: 48 CFR 1515; 48 CFR 1552

Legal Deadline: None

Abstract: General financial and organizational information is only required from offerors in the competitive range. This information does not include information on the offerors purchasing systems. The proposed rule will require that all offerors provide general financial and organizational information, which includes purchasing system information.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7072
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: SAR No. 2551.

FTS:8-382-5028

PL 98-577 Sec. 302

Agency Contact: Edward N. Chambers, Environmental Protection Agency, Administration and Resource Management, PM-214F, 202 382-5028

RIN: 2030–AA06

3103. MISCELLANEOUS DELEGATIONS FROM THE CONTRACTING AUTHORITY

Legal Authority: EPAAR

CFR Citation: 48 CFR 1501; 48 CFR 1503; 48 CFR 1506; 48 CFR 1514; 48 CFR 1515; 48 CFR 1516; 48 CFR 1517; 48 CFR 1522; 48 CFR 1530; 48 CFR 1531; 48 CFR 1532; 48 CFR 1536; 48 CFR 1545

Legal Deadline: None

Abstract: This rule will amend the EPA Aquisition Regulations to reflect delegations made by the head of contracting activity to other aquisition officials for the exercise of various authorities in the acquisition process. Examples include source selection, approval of termination settlements, and approval of award fee plans.

Timetable:

Action	Date	FR Cite
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 5450

FTS:8-382-5028

P.L. 98-377, Section 302

Agency Contact: Carolyn Williams, Environmental Protection Agency, Administration and Resource Management, (PM-214F), Washington, DC 20460, 202 382-2363

RIN: 2030–AA11

3104. ● EPCRA INSPECTION AUTHORITY AND PROCEDURES

Legal Authority: 15 USC 11048

CFR Citation: 40 CFR 375

Legal Deadline: None

Abstract: This regulation sets out EPA's authority to inspect under the Emergency Planning and Community Right-to-Know Act (EPCRA). It will also set out EPA's guidelines for conducting these inspections.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2652.

FTS:8-475-8693

Agency Contact: Vincent Giordanis, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-134P), Washington, DC 20460, 202 475-8693

RIN: 2020–AA15

3105. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANT FROM THE EPA (REVISION)

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Legal Deadline: None

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/81	46 FR 2306
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: SAR No. 2218.

FTS: 8-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, Office of the Administrator, Office of Civil Rights, (A-105), Washington, DC 20460, 202 382-4567

RIN: 2090–AA09

3106. COOPERATIVE AGREEMENTS AND SUPERFUND STATE CONTRACTS FOR SUPERFUND RESPONSE ACTIONS

Legal Authority: 42 USC 9601 /CERCLA 104(c)

CFR Citation: 40 CFR 31

Legal Deadline: None

EPA—GENERAL

Final Rule Stage

Abstract: Under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, there are provisions for recovering clean-up costs from responsible parties. In order for the cost recovery provisions to be effective, recipients of Superfund Assistance Agreements must adhere to strict management practices in all aspects of administering the Agreement. Therefore, EPA will issue this regulation to set forth all administrative requirements for Superfund Assistance Agreements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/27/89	54 FR 4132
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local, State

Additional Information: SAR No. 2476.

FTS:8-382-5268

Agency Contact: Richard Johnson, Environmental Protection Agency, Policy Planning and Evaluation, (PM-216F), Washington, DC 20460, 202 382-5296

RIN: 2010–AA11

3107. NOTICE REQUIREMENTS FOR CITIZEN SUITS UNDER THE SDWA

Legal Authority: 42 USC 300j-8 /SDWA 1449

CFR Citation: 40 CFR 135

Legal Deadline: None

Abstract: These regulations will specify on whom the notice of intent to file suit should be served, the manner of service, where such service should be sent, and the contents of the notice. These regulations are similar to those implementing the notice provisions of the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA).

Timetable:

Action	Date	FR Cite
NPRM	08/15/86	51 FR 29426
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SAR No. 2307.

FTS:8-382-7706

Agency Contact: Randy Hill, Environmental Protection Agency, Water, (LE-132W), Washington, D.C. 20460, 202 382-7700

RIN: 2040–AB59

ENVIRONMENTAL PROTECTION AGENCY (EPA) —General

Completed Actions

3108. AMENDING EPA ACQUISITION REGULATION RULES REGARDING DISCLOSURE AND USE OF INFORMATION IN PROPOSALS

CFR Citation: 48 CFR 1515

Completed:

Reason	Date	FR Cite
Final Action	09/30/88	53 FR 38292

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Nemargut 202 475-9790

RIN: 2030–AA08

3109. IMPLEMENTATION OF FEDERAL ACQUISITION REGULATION COVERAGE ON PROMPT PAYMENT

CFR Citation: 48 CFR 1532; 48 CFR 1552

Completed:

Reason	Date	FR Cite
Final Action	03/06/89	54 FR 9215
Final Action Effective	03/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph Nemargut 202 475-9790

RIN: 2030–AA13

3110. CONTRACTING FOR EXPERT SERVICES UNDER THE SUPERFUND AMENDMENT AND REAUTHORIZATION ACT (SARA) OF 1986

CFR Citation: 48 CFR 1505; 48 CFR 1506

Completed:

Reason	Date	FR Cite
Final Action	08/22/88	53 FR 31871

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ed Murphy 202 382-5034

RIN: 2030–AA07

[FR Doc. 89-7105 Filed 04-21-89; 8:45 am]

BILLING CODE 6560-50-T

federal register

Monday
April 24, 1989

Part XXIII

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its Semiannual Regulatory Agenda pursuant to Executive Order No. 12291, 3 CFR Part 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Irene L. Hill, Assistant Legal Counsel for Coordination, Office of the Legal Counsel, Equal Employment Opportunity Commission, 2401 "E" Street, NW., Washington, DC 20507; telephone (202) 634-7581.

SUPPLEMENTARY INFORMATION: The Commission identified eleven current and projected rulemakings for inclusion in the agenda. Five are currently under development or review by Commission staff. Two of the listings have been published as ANPRMS. Two are awaiting review by another agency. One listing is being terminated. No action is presently occurring on one listing.

Signed in Washington, DC, this 28th day of February, 1989.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3111	Early Retirement Plans	3046-AA36
3112	Possible Revisions to Interpretations Relating to Benefits Under Employee Benefit Plans	3046-AA37

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3113	Uniform Guidelines on Employee Selection Procedures	3046-AA00
3114	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22
3115	Uniform Guidelines on Employee Selection Procedures	3046-AA24

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3116	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
3117	Enforcement of Nondiscrimination on the Basis of Handicap in Equal Employment Opportunity Commission Programs	3046-AA30
3118	Pension Accruals and Contributions Under ADEA	3046-AA31

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3119	Equal Employment Opportunity in the Federal Government; Individual and Class EEO Complaints Processing	3046-AA11
3120	Equal Employment in the Federal Government; Processing of Complaints Filed under the Equal Pay Act	3046-AA16
3121	Equal Employment Opportunity in the Federal Government: Handicap	3046-AA23

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Prerule Stage

3111. EARLY RETIREMENT PLANS

Significance: Regulatory Program

Legal Authority: 29 USC 628

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: The ADEA prohibits discrimination on the basis of age with respect to an employee's compensation, terms, conditions, or privileges of employment. In light of recent amendments to the ADEA and several cases dealing with early retirement, questions have arisen regarding the legality of early retirement plans in general and of specific plans. Since the use of early retirement has expanded greatly in recent years, the Commission deems it appropriate to consider the issuance of regulatory guidance in the area. The ANPRM seeks comment on issues such as voluntariness, plan structuring and eligibility to participate.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26789
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA36

3112. POSSIBLE REVISIONS TO INTERPRETATIONS RELATING TO BENEFITS UNDER EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628

CFR Citation: 29 CFR 1625.10

Legal Deadline: None

Abstract: The current interpretive regulations at 29 CFR 1625.10 were framed in 1979. Since that time the ADEA has been amended in a manner that necessitates considering revisions to the regulations, for example, the addition of sec. 4(g) to the Act and the lifting of the age 70 cap. Accordingly, the Commission is requesting public comment to determine whether revisions are necessary and, if so, the nature and scope of any such revision.

Timetable:

Action	Date	FR Cite
ANPRM	07/15/88	53 FR 26788
ANPRM Comment Period End	10/13/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA37

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Proposed Rule Stage

3113. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Agency Priority

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under EO 12067.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This is included in the Regulatory Program of the United States under the overall RIN 3046-AA24.

Agency Contact: Nicholas Inzeo, Assistant Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-6592

RIN: 3046–AA00

3114. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Legal Deadline: None

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	03/13/84	

EEOC **Proposed Rule Stage**

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-7643**

RIN: 3046–AA22

3115. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Significance: Regulatory Program

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Legal Deadline: None

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00, Uniform Guidelines on Employee Selection Procedures.

It is included in the Regulatory Program of the United States under overall RIN 3046-AA25.

Agency Contact: Philip Lyons, Special Assistant to the Chairman, Office of the Chairman, Equal Employment Opportunity Commission, **202 634-6700**

RIN: 3046–AA24

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Final Rule Stage

3116. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Legal Deadline: None

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under EO 12067, DOJ under EO 12250, and from OMB under EO 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under EO 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under EO 12250.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination and Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-7643**

RIN: 3046–AA10

3117. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROGRAMS

Significance: Agency Priority

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 1615, (Proposed)

Legal Deadline: None

Abstract: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Equal Employment Opportunity Commission.

Timetable:

Action	Date	FR Cite
NPRM	11/05/87	52 FR 42450
Final Action	05/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Elizabeth M. Thornton, Associate Legal Counsel, Coordination & Guidance Services, Office of Legal Counsel, Equal Employment Opportunity Commission, **202 634-7643**

RIN: 3046–AA30

3118. PENSION ACCRUALS AND CONTRIBUTIONS UNDER ADEA

Significance: Agency Priority

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967; PL 99-509, Sec 9204

CFR Citation: 29 CFR 1625.10

Legal Deadline: Final, Statutory, February 1, 1988.
Rule will be completed when the Department of the Treasury completes its regulatory review.

Abstract: Regulations, as may be necessary, to carry out congressional

EEOC **Final Rule Stage**

enactments regarding pension accruals and contributions under ADEA.

Timetable:

Action	Date	FR Cite
NPRM	11/27/87	52 FR 45360
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph N. Cleary, Assistant Legal Counsel, Office of Legal Counsel, Equal Employment Opportunity Commission, 202 634-7643

RIN: 3046–AA31

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Completed Actions

3119. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; INDIVIDUAL AND CLASS EEO COMPLAINTS PROCESSING

Significance: Agency Priority

CFR Citation: 29 CFR 1614, (Proposed)

Completed:

Reason	Date	FR Cite
No action presently occurring	09/14/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas Inzeo 202 634-6592

RIN: 3046–AA11

3120. EQUAL EMPLOYMENT IN THE FEDERAL GOVERNMENT; PROCESSING OF COMPLAINTS FILED UNDER THE EQUAL PAY ACT

CFR Citation: 29 CFR 1613

Completed:

Reason	Date	FR Cite
Proposal determined to be unnecessary	09/14/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nicholas M. Inzeo 202 634-6592

RIN: 3046–AA16

3121. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT: HANDICAP

Significance: Regulatory Program

CFR Citation: 29 CFR 1613.701 et seq

Completed:

Reason	Date	FR Cite
Determined that Commission management directives more appropriate than regs.	01/27/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Richard D. Komer 202 634-6460

RIN: 3046–AA23

[FR Doc. 89-5843 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XXIV

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 1, 1989 to March 31, 1990.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: For general information, contact Susan Kantor Bank, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3973. For additional information about a specific regulation, contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 601 *et seq.*

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations, and regulations which will be under review during the period April 1, 1989 to March 31, 1990. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published October 24, 1988 at 53 FR 42576.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations, and organizational and management matters.

Dated: February 28, 1989.

George W. Watson,

Acting General Counsel.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3122	Comprehensive Cooperative Agreement (CCA) Policies, Procedures, and Associated Programs	3067-AB18
3123	Graduated Mobilization Response	3067-AB35
3124	Federal Emergency Management Agency Acquisition Regulations	3067-AB40
3125	Protection of Essential Resources and Facilities	3067-AB46

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3126	Nondiscrimination in Federally-Assisted Programs	3067-AA00
3127	Individual and Family Grant Program Changes	3067-AA64
3128	Review and Approval of State and Local Emergency Response Plans	3067-AA76
3129	Radiological Emergency Planning and Preparedness	3067-AA77
3130	Flood Insurance Rating System Changes	3067-AA98
3131	Criteria for Hurricane Preparedness Assistance to State and Local Governments	3067-AB11
3132	National Flood Insurance Program Elevation Requirements for Manufactured Homes	3067-AB25
3133	National Flood Insurance Program Changes	3067-AB32
3134	Federal Crime Insurance Program Rate Increase	3067-AB33
3135	National Flood Insurance Program Changes for Structures on Land Subject to Imminent Collapse or Subsidence	3067-AB42
3136	Temporary Housing Assistance	3067-AB43
3137	National Flood Insurance Program Criteria for Evaluating Coastal Flood Control Structures	3067-AB44
3138	Disaster Assistance; Hazard Mitigation Planning	3067-AB45

FEMA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3139	Permanent Relocation Assistance	3067-AA84
3140	Civil Defense: State and Local Emergency Management Assistance Program (EMA)	3067-AB14
3141	Nondiscrimination in Federally Assisted Programs on the Basis of Age	3067-AB16
3142	Disaster Assistance	3067-AB37
3143	Disaster Assistance; Great Lakes Planning Assistance	3067-AB41

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3144	Temporary Relocation Assistance - Superfund	3067-AA72
3145	Disaster Preparedness Assistance	3067-AB05
3146	National Flood Insurance Program Payment of Flood Insurance for Structures on Land Subject to Imminent Collapse or Subsidence	3067-AB23
3147	Disaster Assistance: Subpart J (General Insurance Requirements); Subpart K (Flood Insurance Requirements)	3067-AB28
3148	Individual and Family Grant Program; State Plans	3067-AB29
3149	Testimony, Production or Disclosure of Information by FEMA Employees	3067-AB30
3150	Collection of Debts by the Government Under the Debt Collection Act of 1982	3067-AB31

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Prerule Stage

3122. COMPREHENSIVE COOPERATIVE AGREEMENT (CCA) POLICIES, PROCEDURES, AND ASSOCIATED PROGRAMS

Legal Authority: 50 USC 2286; 50 USC 2251; 42 USC 5121; 42 USC 5151; 42 USC 7701; 42 USC 4001; PL 95-224; PL 96-295; PL 99-499; PL 93-288; PL 95-124; PL 90-488; PL 93-234; PL 90-577; EO 12148

CFR Citation: 44 CFR 305; 44 CFR 302; 44 CFR 360; 44 CFR 301; 5 CFR 900

Legal Deadline: None

Abstract: The comprehensive aspect of the CCA process itself was not created by legislation or even by regulation; Presidential emphasis on grants consolidation and FEMA policy on integrating programs created the CCA. The cooperative agreement aspect of the CCA process is based on PL 95-224, the Federal Grant and Cooperative Agreement Act of 1977. Cooperative agreements are used when stimulating a public purpose (the multiple programs delivered in each CCA are aimed at stimulating public purposes, primarily civil defense). The Federal Civil Defense Act of 1950, as amended, authorizes the major portion of CCA programs and assistance dollars, and is therefore the major legislative authority underpinning the CCA process. Various Civil Preparedness Guides, primarily CPG 1-38 and CPG 1-3 address the CCA process and associated programs. However, a regulation would provide complete notice to States and interested parties and complete the policy and procedural requirements identified by the Office of General Counsel. Specific quantitative estimates cannot be cited.

Timetable:

Action	Date	FR Cite
Interim Final Rule Public comment period end	10/01/88	
ANPRM	04/28/89	
ANPRM Comment Period End	07/28/89	
Interim Final Rule	09/29/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Nancy J. Holt, Program Analyst, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3505

RIN: 3067–AB18

3123. ● GRADUATED MOBILIZATION RESPONSE

Significance: Regulatory Program

Legal Authority: 50 USC 404; 50 USC App. 2061 et seq; EO 12656

CFR Citation: 44 CFR 334

Legal Deadline: None

Abstract: Provides policy and guidance to Federal departments and agencies on the Graduated Mobilization Response system. The Graduated Mobilization Response system is part of the National Security Emergency Preparedness program of planning mobilization actions that will permit a timely reaction to early warning indicators. Graduated Mobilization Response policy guidance is to be incorporated in department and agency mobilization preparedness planning.

FEMA **Prerule Stage**

Timetable:

Action	Date	FR Cite
ANPRM	03/01/89	
ANPRM Comment Period End	05/01/89	
NPRM	08/01/89	
NPRM Comment Period End	10/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carmel Cassidy, Industry Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20572, **202 646-2652**

RIN: 3067–AB35

3124. ● FEDERAL EMERGENCY MANAGEMENT AGENCY ACQUISITION REGULATIONS

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 44

Legal Deadline: None

Abstract: The Agency's Procurement Regulation as it relates to rights to technical data and computer software will be revised to conform to procurement regulatory reform reporting requirements.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Christine A. Makris, Chief, Policy & Evaluation Division, Office of Acquisition Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3743**

RIN: 3067–AB40

3125. ● PROTECTION OF ESSENTIAL RESOURCES AND FACILITIES

Legal Authority: 50 USC 404; 50 USC App. 2061 et seq; EO 12656

CFR Citation: 44 CFR 335

Legal Deadline: None

Abstract: Provides policy and guidance for Federal departments and agencies on how to carry out their responsibilities for national assets protection under section 204 of Executive Order 12656.

Timetable:

Action	Date	FR Cite
ANPRM	04/01/89	
ANPRM Comment Period End	06/01/89	
NPRM	09/01/89	
NPRM Comment Period End	11/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry Hyatt, Physical Scientist, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, **202 646-3567**

RIN: 3067–AB46

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) Proposed Rule Stage

3126. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Legal Deadline: None

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	
NPRM Comment Period End	01/01/90	
Final Action	12/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Katherine H. Shannon, Director, Office of Personnel & Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3962**

RIN: 3067–AA00

3127. INDIVIDUAL AND FAMILY GRANT PROGRAM CHANGES

Legal Authority: 42 USC 5178

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: The following revisions to the regulations are being considered: establishing a group flood insurance policy for all IFG recipients for each flood declaration; reduce the application period for IFG assistance; change references to obsolete forms; reduce the amount of applicant recordkeeping required by States; revise the formula for calculating State administrative costs; include guidance on current IG audit report procedures, and revise the requirements for the IFG State administrative plan.

Timetable:

Action	Date	FR Cite
NPRM	07/01/89	
NPRM Comment Period End	09/01/89	
Final Action	11/01/89	
Final Action Effective	12/01/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Donna M. Dannels, Emergency Management Specialist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3662**

RIN: 3067–AA64

3128. REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC app. 225g; EO 12148

CFR Citation: 44 CFR 350

Legal Deadline: None

Abstract: Updates existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

Timetable:

Action	Date	FR Cite
NPRM	05/30/89	
NPRM Comment Period End	07/31/89	
Interim Final Rule	08/31/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State and Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067–AA76

3129. RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Legal Deadline: None

Abstract: Updates regulations which set out Federal Agency roles and assigns tasks regarding Federal assistance to States and local governments in their radiological emergency planning and preparedness activities connected with radiological accidents at commercial nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	
NPRM Comment Period End	08/31/89	
Final Action	09/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Marshall Sanders, Chief, Program Development Branch, State & Local Programs Directorate, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067–AA77

3130. FLOOD INSURANCE RATING SYSTEM CHANGES

Significance: Regulatory Program

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61

Legal Deadline: None

Abstract: National Flood Insurance Program premium rating system changes under consideration include a community rating system and a system to use revised FIRMs producing higher rates for existing policyholders, subject to a rate cap. The community rating system would be designed to recognize circumstances within local communities that mitigate or exacerbate the flooding risk, such as the inaction of a community in addressing flood problems or the performance of a community that goes beyond minimum NFIP floodplain management requirements. The use of revised FIRMs for existing policyholders would replace the current practice of allowing premium rates for such policyholders to be based on the map in existence at the time of construction so long as the construction met the requirements at that time.

Timetable:

Action	Date	FR Cite
ANPRM	07/01/87	52 FR 24482
ANPRM Comment Period End	08/31/87	
NPRM	12/01/89	
NPRM Comment Period End	01/30/90	
Final Action	05/30/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Francis V. Reilly, Deputy Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2782

RIN: 3067–AA98

3131. CRITERIA FOR HURRICANE PREPAREDNESS ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Significance: Agency Priority

Legal Authority: 42 USC 5131; 50 USC App. 2251 to 2297; EO 12148; EO 12381

CFR Citation: 44 CFR 362

Legal Deadline: None

Abstract: Under PL 93-288, the Federal Emergency Management Agency provides financial and technical assistance to States and local governments in their hurricane preparedness planning. Except for some instances, FEMA has provided 100 percent funding to designated States that have high risk hurricane hazard areas for the development of population preparedness and property protection studies. This proposed rulemaking will establish a plan for having States share the cost of these activities. These changes to 44 CFR 300.6 will affect only the hurricane preparedness portion of this rule; the earthquake hazards reduction portion will be revised in a separate concurrent rulemaking effort.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	
NPRM Comment Period End	01/15/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Dennis Kwiatkowski, Assistant Associate Director, Office of Natural & Technological Hazards Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2858

RIN: 3067–AB11

3132. NATIONAL FLOOD INSURANCE PROGRAM ELEVATION REQUIREMENTS FOR MANUFACTURED HOMES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60

Legal Deadline: None

Abstract: Revisions to National Flood Insurance Program regulations regarding the elevation of manufactured homes placed in existing mobile home parks and subdivisions in special flood hazard areas that were effective

October 1, 1986, were suspended effective June 30, 1987. There are three possible options: (1) lifting the suspension so that the October 1, 1986, revisions go back into effect; (2) continuing the suspension indefinitely; or (3) making some revisions different from the October 1, 1986 revisions.

Timetable:

Action	Date	FR Cite
NPRM	05/01/89	
NPRM Comment Period End	06/30/89	
Final Action	09/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: Michael F. Robinson, Chief, Program Policy & Compliance Div., Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2717**

RIN: 3067–AB25

3133. NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 65; 44 CFR 72

Legal Deadline: None

Abstract: Possible changes to the National Flood Insurance Program regulations include minor modifications to the definitions of the terms "substantial improvement" and "new construction", providing for mapping on the basis of future conditions, clarifying the use of alternative hydraulic or hydrologic methodologies in requests for map revisions, specifying requirements for requests for map revisions for alluvial fan areas, and adjustment of the labor rate charged for processing requests for conditional approval of map changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	08/15/89	
Final Action Effective	10/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles M. Plaxico, Chief, Regulations & Underwriting Division, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3422**

RIN: 3067–AB32

3134. FEDERAL CRIME INSURANCE PROGRAM RATE INCREASE

Legal Authority: 12 USC 1749 bbb et seq; EO 12127

CFR Citation: 44 CFR 83

Legal Deadline: None

Abstract: A Federal Crime Insurance Program premium rate increase is planned.

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	
NPRM Comment Period End	05/01/89	
Final Action	05/15/89	
Final Action Effective	06/14/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. DeHenzel, Chief, Urban Property Insurance Operations, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3440**

RIN: 3067–AB33

3135. ● NATIONAL FLOOD INSURANCE PROGRAM CHANGES FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE

Legal Authority: 42 USC 4002 et seq; EO 23227

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 62

Legal Deadline: None

Abstract: Section 544 of the Housing and Community Development Act of 1987 provided a new benefit to National Flood Insurance Program policyholders: Payment for demolition or relocation of an insured structure if it is located "along the shore of a lake or other body of water and is certified by appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels." FEMA published interim regulations on this subject on September 23 and November 2, 1988, and commissioned an investigation through the National Academy of Sciences to provide a basis for further regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
NPRM Comment Period End	07/31/90	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067–AB42

3136. ● TEMPORARY HOUSING ASSISTANCE

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 206.101

Legal Deadline: None

Abstract: Revisions to the method of providing assistance being considered would require revision to those sections of the regulations covering the types of assistance available, particularly the home repairs and rental assistance. Another change is the removal of the provision for State governments to administer the program.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	
NPRM Comment Period End	02/28/90	
Final Action	05/31/90	
Final Action Effective	06/30/90	

Small Entities Affected: None

Government Levels Affected: Local

Agency Contact: F. Scott Martin, Emergency Management Officer, Federal Emergency Management Agency, 500 C Street, SW, Washing.on, DC 20472, **202 646-3650**

RIN: 3067–AB43

FEMA

Proposed Rule Stage

3137. ● NATIONAL FLOOD INSURANCE PROGRAM CRITERIA FOR EVALUATING COASTAL FLOOD CONTROL STRUCTURES

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 65

Legal Deadline: None

Abstract: Regulations will be developed defining criteria for evaluating the effectiveness of coastal flood control structures in preventing or reducing 100-year flooding or damage. The criteria will be used to determine whether areas protected by such structures will be included in, or excluded from, Special Flood Hazard Area designations and/or Coastal High Hazard Area (V-zone) designations on Flood Insurance Rate Maps prepared for the National Flood Insurance Program. The criteria will be based on the results of a special study by the U.S. Army Corp's Coastal Engineering Research Center entitled "Development of Criteria for Evaluating Coastal Flood Control Structures."

Timetable:

Action	Date	FR Cite
NPRM	06/01/90	
NPRM Comment Period End	07/31/90	
Final Action	09/01/90	
Final Action Effective	10/01/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Donald L. Collins, Assistant Administrator, IPATS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067–AB44

3138. ● DISASTER ASSISTANCE; HAZARD MITIGATION PLANNING

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq; PL 100-707

CFR Citation: 44 CFR 206.100

Legal Deadline: None

Abstract: This proposed rule addresses hazard mitigation planning requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Planning requirements with the section 404 Hazard Mitigation Grant Program and other hazard mitigation programs.

Timetable:

Action	Date	FR Cite
NPRM	06/01/89	
NPRM Comment Period End	08/01/89	
Final Action	10/01/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Patricia Stahlschmidt, Mitigation Assistance Program Specialist, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3678**

RIN: 3067–AB45

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Final Rule Stage

3139. PERMANENT RELOCATION ASSISTANCE

Significance: Regulatory Program

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 221

Legal Deadline: None

Abstract: This part prescribes the policies to be followed by the Federal Emergency Management Agency or any State or local government when implementing permanent relocation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended.

Timetable:

Action	Date	FR Cite
NPRM	11/22/88	53 FR 47232
NPRM Comment Period End	01/23/89	
Final Action	03/15/89	
Final Action Effective	04/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles D. Robinson, Chief, Superfund & Relocation Assistance Br., Disaster Assistance Program, SLPS, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3805**

RIN: 3067–AA84

3140. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

Legal Authority: 50 USC app 2253; Reorganization Plan No. 3 of 1978; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Legal Deadline: None

Abstract: Changes within existing regulation to delete one allocation formula factor.

Timetable:

Action	Date	FR Cite
NPRM	08/26/87	52 FR 32140
NPRM Comment Period End	10/26/87	52 FR 32140
Interim Final Rule	10/01/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: John McKay, Assistant Associate Director for Civil Defense, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4252**

RIN: 3067–AB14

3141. NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS ON THE BASIS OF AGE

Legal Authority: 42 USC 6103

CFR Citation: 44 CFR 7, Subpart E

Legal Deadline: None

FEMA **Final Rule Stage**

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of the Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
NPRM	01/14/88	53 FR 922
NPRM Comment Period End	03/14/88	53 FR 922
Final Action	03/15/90	
Final Action Effective	05/15/90	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Alan Clive, Equal Employment Manager, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3957

RIN: 3067–AB16

3142. ● DISASTER ASSISTANCE

Significance: Regulatory Program

Legal Authority: 42 USC 5121 et seq; PL 100-707

CFR Citation: 44 CFR 206

Legal Deadline: Other, Statutory, May 23, 1989.

Abstract: This interim rule will cover certain aspects of the disaster relief program authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended): individual assistance, public assistance, fire suppression assistance, community disaster loans, and hazard mitigation planning. Based on comments received during a 60-day period while the rule is effective, a final rule will also be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/89	
Final Action	06/15/89	
Final Action Effective	07/23/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Gregg Chappell, Assistant Associate Director, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3615

RIN: 3067–AB37

3143. ● DISASTER ASSISTANCE; GREAT LAKES PLANNING ASSISTANCE

Significance: Agency Priority

Legal Authority: 42 USC 5121 et seq; 33 USC 426p note; PL 100-707

CFR Citation: 44 CFR 206; 44 CFR 207

Legal Deadline: Final, Statutory, May 23, 1989.

Abstract: This interim rule will complete action on disaster relief authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (PL 93-288, as amended), and will also implement Title II of PL 100-707, relating to Great Lakes damage reduction grants. The document will cover emergency assistance, the disaster declaration procedure, and the Great Lakes grant program. Based on comments received during a 60-day period while the rule is effective, a final rule will also be published.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/15/89	
Final Action	07/15/89	
Final Action Effective	08/15/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Gregg Chappell, Assistant Associate Director, Disaster Assistance Programs, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3615

RIN: 3067–AB41

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Completed Actions

3144. TEMPORARY RELOCATION ASSISTANCE - SUPERFUND

CFR Citation: 44 CFR 220

Completed:

Reason	Date	FR Cite
Final Action	01/23/89	54 FR 30321
Final Action Effective	02/22/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Karen Forbes 202 646-3807

RIN: 3067–AA72

3145. DISASTER PREPAREDNESS ASSISTANCE

CFR Citation: 44 CFR 300

Completed:

Reason	Date	FR Cite
Final Action	01/19/89	54 FR 2127
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Gregory S. Jones 202 646-3668

RIN: 3067–AB05

3146. NATIONAL FLOOD INSURANCE PROGRAM PAYMENT OF FLOOD INSURANCE FOR STRUCTURES ON LAND SUBJECT TO IMMINENT COLLAPSE OR SUBSIDENCE

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	11/02/88	53 FR 44193
Final Action Effective	11/02/88	

Small Entities Affected: None

Government Levels Affected: None

FEMA **Completed Actions**

Agency Contact: Donald F. Collins 202 646-3419

RIN: 3067–AB23

3147. DISASTER ASSISTANCE: SUBPART J (GENERAL INSURANCE REQUIREMENTS); SUBPART K (FLOOD INSURANCE REQUIREMENTS)

Significance: Regulatory Program

CFR Citation: 44 CFR 205, Subpart J; 44 CFR 205, Subpart K

Completed:

Reason	Date	FR Cite
Merged with 3067-AB37	02/24/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Alex Burns 202 646-3670

RIN: 3067–AB28

3148. INDIVIDUAL AND FAMILY GRANT PROGRAM; STATE PLANS

Significance: Regulatory Program

CFR Citation: 44 CFR 205.54

Completed:

Reason	Date	FR Cite
Merged with 3067-AA64	02/24/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Agnes C. Mravcak 202 646-3660

RIN: 3067–AB29

3149. TESTIMONY, PRODUCTION OR DISCLOSURE OF INFORMATION BY FEMA EMPLOYEES

CFR Citation: 44 CFR 5

Completed:

Reason	Date	FR Cite
Final Action	03/22/89	54 FR 11713
Final Action Effective	03/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leneta G. Gregorie 202 646-4111

RIN: 3067–AB30

3150. COLLECTION OF DEBTS BY THE GOVERNMENT UNDER THE DEBT COLLECTION ACT OF 1982

CFR Citation: 44 CFR 11.30; 44 CFR 11.50(4)(c)

Completed:

Reason	Date	FR Cite
Final Action	11/22/88	53 FR 47210
Final Action Effective	12/22/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard S. Buck 202 646-4091

RIN: 3067–AB31

[FR Doc. 89-6183 Filed 04-21-89; 8:45 am]

BILLING CODE 6718-01-T

federal register

Monday
April 24, 1989

Part XXV

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six month period from April 1989 to October 1989. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Ted M. Chaskelson, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427, (202) 653-5305.

Dated: February 22, 1989.

Robert P. Baker,

Acting Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Final Rule Stage

3151. REVIEW OF EXISTING ARBITRATION REGULATION

Significance: Agency Priority

Legal Authority: 29 USC 172; 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Legal Deadline: None

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR 1404. The Service has completed its initial draft and is presently analyzing comments received. A final rule will be published soon.

Timetable:

Action	Date	FR Cite
NPRM	04/20/88	53 FR 12952
NPRM Comment Period End	06/30/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ted M. Chaskelson, General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, DC 20427, 202 653-5305

RIN: 3076–AA01

[FR Doc. 89-5844 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XXVI

General Services Administration

Semiannual Regulatory Agenda

GENERAL SERVICES ADMINISTRATION (GSA)

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1, 101, 105, and 201

48 CFR Ch. 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since October 1988. This agenda was developed under the guidelines in OMB Bulletin 89-02, dated November 4, 1988. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Rodney P. Lantier, Chief, Directives and Correspondence Management Branch (202) 566-0666.

SUPPLEMENTARY INFORMATION: None of the regulations will have an effect on small businesses or other entities. None of the regulations listed are considered major under Executive Order 12291, Federal Regulations.

Dated: February 21, 1989.

Richard G. Austin,

Acting Administrator of General Services.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3152	Negotiated Disposal of Personal Property	3090-AD29
3153	Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs	3090-AC48
3154	Nondiscrimination on the Basis of Race, Color, National Origin, and where applicable, sex	3090-AC49
3155	Federal Property Management Regulations; Annual Real Property Inventories	3090-AC74

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3156	Multiple Award Schedule Program (GSAR 5-38A)	3090-AC61
3157	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
3158	FIRMR Improvement Project	3090-AD04
3159	Restructuring and Simplification of Federal Information Resources Management Standards	3090-AD21
3160	Information Resources Management Reviews Codification Amendment for FIRMR Temporary Regulation 10	3090-AD22
3161	Revisions of FIRMR Policies to Simplify the Procurement Process	3090-AD38
3162	Assignment and Utilization of GSA Space	3090-AD42

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3163	General Services Administration Acquisition Regulation Change Subpart 46.7 (GSAR 5-91)	3090-AB82
3164	Miscellaneous Changes on the Acquisition of Leasehold Interests in Real Property (GSAR 5-155)	3090-AC59
3165	Multiyear Contracts and Contracts with Options (GSAR 5-106)	3090-AC68
3166	General Services Administration Acquisition Regulation (GSAR) Proposed Rule, Utility Contracts, GSAR Case 5-65	3090-AD10
3167	General Services Administration Acquisition Regulation; Economic Price Adjustment Clause for Multiple Award Schedule Contracts, (GSAR 5-268)	3090-AD40
3168	General Services Administration Acquisition Regulation; Inspection of Supplies, (GSAR 5-173)	3090-AD41
3169	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
3170	Outline for Explanatory Statements for Negotiated Sales	3090-AD32
3171	Donation of Abandoned and Forfeited Personal Property	3090-AA24
3172	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
3173	Revision of Standard Form 1170, Redemption of Unused Tickets	3090-AD13
3174	Use of Electronic Data Interchange to Document and Pay Transportation Bills	3090-AD27
3175	Submission of Paid Freight Bills/Invoices, CBL's, GTR's, Passengers Coupons, and Supporting Documentation Covering Transportation Services Under Cost-Reimbursement Contracts	3090-AD35
3176	Update of Governmentwide Telecommunications Policies and Regulations	3090-AB08
3177	Establishment of Policies and Procedures for Federal Agencies' Management of Electronic Recordkeeping, Project 86.83A	3090-AC54

GSA

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3178	Implementation of Title VIII, Paperwork Reduction Reauthorization Act of 1986, P.L. 99-500 Regarding Automatic Data Processing Equipment	3090-AD03
3179	Update Regulations Regarding FTS 2000 Usage (FIRMR Interim Rule 1)	3090-AD20

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3180	General Services Administration Acquisition Regulation, Miscellaneous Changes, Change 56 (GSAR 5-87)	3090-AB83
3181	Contract Closeout Procedures (GSAR 5-96)	3090-AC67
3182	GSAR Acquisition Circular (AC-88-2) Administration of Small and Small Disadvantaged Business Subcontracting Plan	3090-AC69
3183	General Services Administration Acquisition Regulation, Novation Agreements, Change 58, (GSAR 5-264)	3090-AD30
3184	General Services Administration Acquisition Regulation, Implement FAC 84-34, Change 59 (GSAR 5-214)	3090-AD31
3185	General Services Administration Acquisition Regulation: Value Engineering, (GSAR 5-257)	3090-AD34
3186	General Services Administration Acquisition Regulation; Acquisition Circular AC-88-2, Changes to the Government Procurement Code	3090-AD37
3187	General Services Administration Acquisition Regulation; Implement FAC 84-31 and Monitoring Contractor Compliance With Subcontracting Plans, Change 57 (GSAR 5-203/5-215)	3090-AD39
3188	National Defense Stockpile Disposal Regulations	3090-AA40
3189	Reporting of Excess Real Property - Asbestos	3090-AD05
3190	Responsibility of disposal agency; disposals to public agencies	3090-AD28
3191	Disposal of Federal Surplus Real Property	3090-AD33
3192	Revision of ADPE Reutilization Policies and Procedures Including Instructions for SF 120, Project 86.14A	3090-AC25
3193	Office Equipment Accessibility for the Handicapped	3090-AD02
3194	Telecommunications Accessibility for the Hearing and Speech Impaired	3090-AD36

GENERAL SERVICES ADMINISTRATION (GSA)

Prerule Stage

FEDERAL SUPPLY AND SERVICES

3152. ● NEGOTIATED DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(e)

CFR Citation: 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46

Legal Deadline: None

Abstract: This regulation will implement the personal property sales provisions and reporting requirements of the Federal Managements of the Federal Property Management Improvement Act of 1988. There should be no significant costs to the public as a result of this rule. The rule will significantly reduce time and workload in preparing reports to Congress and improve the efficiency and effectiveness of personal property sales by expanding on negotiated sales procedures.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Stanley M. Duda, Director, Property Management Division (FBP), General Services Administration, Washington, DC 20406, 703 557-1240

RIN: 3090–AD29

OFFICE OF ORGANIZATION AND PERSONNEL

3153. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: PL 95-602, Sec 119

CFR Citation: 41 CFR 105-8

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement the above cited laws. These statutes prohibit discrimination on the basis of handicap as it applies to any programs or activities conducted by GSA.

GSA — Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This proposed rule has been circulated internally and externally for comments. Comments have been received from the Equal Employment Opportunity Commission. We are still waiting for the Department of Justice's approval and comment on the regulation. Employment Opportunity Commission. The Department of Justice's comments on regulation with respect to GSA's role as the Federal Government landlord have been received. Comments regarding the program portion of the regulation have not been received. Comments regarding the program portion of the regulation were received on June 4, 1987 from the Department of Justice (DOJ). Reconciling of comments with Public Building Services and DOJ is presently occurring.

Agency Contact: Thomas E. Henderson, Equal Employment Specialist (CTC), General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090–AC48

3154. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, AND WHERE APPLICABLE, SEX

Legal Authority: 40 USC 476; 42 USC 2000d-1; 20 USC 1681

CFR Citation: 41 CFR 101-8.2

Legal Deadline: None

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, General Services Administration, 18th and F Streets, NW, Washington, DC 20405, 202 566-1368

RIN: 3090–AC49

PUBLIC BUILDINGS SERVICE

3155. FEDERAL PROPERTY MANAGEMENT REGULATIONS; ANNUAL REAL PROPERTY INVENTORIES

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation will be reviewed and updated in light of the governmentwide space reduction and utilization improvement initiatives mandated in Executive Order 12411--Government Work Space Management Reform--and FPMR Temporary Regulation D-73-- Quality Workplace Environment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Judy Maretta, Director, Governmentwide Policy Div., General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight (PG), Washington, DC 20405, 202 566-0507

RIN: 3090–AC74

GENERAL SERVICES ADMINISTRATION (GSA) — Proposed Rule Stage

ACQUISITION POLICY

3156. MULTIPLE AWARD SCHEDULE PROGRAM (GSAR 5-38A)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 515; 48 CFR 538; 48 CFR 552

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation will be amended to revise Section 515.804-3 to add instructions on claiming and granting exemptions to the requirement for submission on cost or pricing data in the multiple award schedule (MAS) contracting process; to add Section 515.804-70 to provide the format of the discount schedule and marketing data sheets to be used in MAS solicitations; to add Part 538 to provide procedures on the GSA schedule contracting process; and to add Section 552.238-70 to provide text of the price reductions clause to be used in certain MAS solicitations and contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/12/86	51 FR 31344

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy

and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC61

OFFICE OF THE COMPTROLLER

3157. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Legal Deadline: None

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor governmentwide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Bobby Daniel, Accounting Specialists, General Services Administration, GSA Office of Governmentwide Real Property, Policy and Oversight(PG), Washington, DC 20405, 202 566-1426

RIN: 3090–AB31

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3158. FIRMR IMPROVEMENT PROJECT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: In response to recommendations by users of the FIRMR to revise the regulation to make it more readable and useful, GSA plans to restructure the FIRMR during the next few years. This restructuring will include: the separation of policies and procedures, the separation of contracting from management and use provisions, the reorganization of FIRMR contracting provisions for consistency with the Federal Acquisition Regulations, and the reorganization of the FIRMR's management and use provisions into a life cycle format. As the final draft of each subchapter is completed, GSA will seek public comment on the subchapter through a notice of proposed rulemaking. Subchapter E, which deals with acquisition, will be completed first and, if possible, issued as a final rule before publication of the entire FIRMR. An advanced notice of proposed rulemaking describing the project was published in the Federal Register in January 1988. The next planned action is a notice of proposed rulemaking for revised FIRMR Part 39. This action will consolidate all FIRMR contracting policies and procedures for acquiring ADP and telecommunications resources into a single part, consistent with the FAR.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/88	53 FR 620
ANPRM Comment Period End	03/11/88	53 FR 620
NPRM	04/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David Mullins, Chief, Policy Branch, General Services Administration, GSA, IRMS/KMPR, Washington, D.C. 20405, 202 535-7462

RIN: 3090–AD04

3159. RESTRUCTURING AND SIMPLIFICATION OF FEDERAL INFORMATION RESOURCES MANAGEMENT STANDARDS

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-8; 41 CFR 201-13; 41 CFR 201-39

Legal Deadline: None

Abstract: This project revises the FIRMR to simplify provisions on the use and implementation of Federal automatic data processing and telecommunications standards. It results in major changes in the regulatory coverage and presentation of FIRMR provisions on standards. The intent is to remove redundant and nonregulatory provisions from the FIRMR that may be found in other agency issuances and to reorganize provisions, consistent with the FAR so that users may more readily locate standards provisions relevant to their particular need.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Anderson/Margaret Truntich, Computer Specialist/Chief, Reg. Branch, General Services Administration, Regulations Branch (KMPR), 18th and F St., Washington, DC 20405, 202 566-0194

RIN: 3090–AD21

3160. INFORMATION RESOURCES MANAGEMENT REVIEWS CODIFICATION AMENDMENT FOR FIRMR TEMPORARY REGULATION 10

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-19

Legal Deadline: None

Abstract: This project revises the FIRMR by codifying certain provisions contained in FIRMR Temporary Regulation 10 regarding the Federal Information Resources Management Reviews Program (triennial reviews). Temporary Regulation 10 describes the policies and procedures for GSA - Federal agencies to follow in carrying out their information resources management review responsibilities under the Paperwork Reduction Act. It also established GSA as the primary agency for collecting, assessing, and reporting on information resources management review results to OMB. This amendment will codify Governmentwide policies for triennial

GSA **Proposed Rule Stage**

reviews in the FIRMR. A bulletin will be issued describing review procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stewart Randall, Management Analyst, General Services Administration, Regulations Branch (KMPR), 18th & F Streets, Washington, DC 20405, 202 566-0194

RIN: 3090–AD22

3161. ● REVISIONS OF FIRMR POLICIES TO SIMPLIFY THE PROCUREMENT PROCESS

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: None

Abstract: This regulation revises a number of FIRMR management and acquisition policies, primarily to remove unnecessary detail and redundancy, provide consistency with the Federal Acquisition Regulations and clarify confusing provisions in the FIRMR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	06/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: William Loy/Margaret Truntich, Procurement Analyst/Chief, Regulations Branch, General Services Administration, Regulations Branch (KMPR), 18th & F Streets, NW., Washington, DC 20405, 202 566-0194

RIN: 3090–AD38

PUBLIC BUILDINGS SERVICE

3162. ● ASSIGNMENT AND UTILIZATION OF GSA SPACE

Significance: Agency Priority

Legal Authority: 40 USC 486(c), Sec. 205(c), 63 Stat. 390

CFR Citation: 41 CFR 101-17

Legal Deadline: None

Abstract: This regulation is being issued to refine GSA's space assignment criteria and to modify and/or clarify certain space-related policies and requirements. It will replace those portions of FPMR Temporary Regulation D-73 dealing with the assignment and utilization of GSA-controlled space. This regulation will not produce a major impact on the economy, and its potential benefits outweigh potential costs. The regulation primarily affects those Federal agencies for whom GSA provides office space and related facilities.

Timetable:

Action	Date	FR Cite
NPRM	04/14/89	
NPRM Comment Period End	06/14/89	
Final Action	09/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert Ward, Director of Real Estate, Office of Real Property Development, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, 202 566-1025

RIN: 3090–AD42

GENERAL SERVICES ADMINISTRATION (GSA) — Final Rule Stage

ACQUISITION POLICY

3163. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7 (GSAR 5-91)

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 546

Legal Deadline: None

Abstract: GSA to issue a GSAR amendment to implement and supplement the FAR Subpart 46.7 by providing agency policies and procedures on the use of Warranties.

Timetable:

Action	Date	FR Cite
Final Action	04/02/89	
Final Action Effective	04/02/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4026, Washington, DC 20405, 202 523-3822

RIN: 3090–AB82

3164. MISCELLANEOUS CHANGES ON THE ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY (GSAR 5-155)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 570

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to codify in the regulation the revised contract clauses approved for use in lease contracts.

Timetable:

Action	Date	FR Cite
Final Action	04/02/89	
Final Action Effective	04/02/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC59

3165. MULTIYEAR CONTRACTS AND CONTRACTS WITH OPTIONS (GSAR 5-106)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 517

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) will be amended to incorporate the deviation from FAR 52.217-1, Limitations of Price and Contractor Qualifications and FAR 52.217-2, Cancellation of Items; and to consider the applicability of FAR Part 17 to Federal Supply Service multiyear contracts and contracts with options.

Timetable:

Action	Date	FR Cite
Final Action	04/02/89	
Final Action Effective	04/02/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AC68

3166. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) PROPOSED RULE, UTILITY CONTRACTS, GSAR CASE 5-65

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 553

Legal Deadline: None

Abstract: This proposed General Services Administration Acquisition Regulation will revise Part 508 to clarify the Federal Acquisition Regulation definition of utility services, to prescribe policies governing the acquisition of utility services, to prescribe procedures for precontract review for utility contracts, to provide for annual rate reviews, to provide for use of GSA forms for acquiring utility services; and to revise Part 553 to illustrate GSA Forms 1533, Utilities Contract; 1683, Negotiated Electric Utility Contract, and 1684, Technical Provisions (Electric Utility Contract).

Timetable:

Action	Date	FR Cite
NPRM	12/24/87	52 FR 48729
Final Action	04/02/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, GSA, Off. of GSA Aquisition Policy and Regs., 18th & F Streets, NW 20405, Washington, D.C., 202 523-3822

RIN: 3090–AD10

3167. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; ECONOMIC PRICE ADJUSTMENT CLAUSE FOR MULTIPLE AWARD SCHEDULE CONTRACTS, (GSAR 5-268)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise Alternate I of the clause entitled "Economic Price Adjustment-FSS Multiple Award Schedule Contracts" at GSAR 552.216-71 to provide for price adjustments in multi-year contracts that are for periods of more than 3 years.

Timetable:

Action	Date	FR Cite
NPRM	11/09/88	53 FR 45293
NPRM Comment Period End	12/09/88	
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th & F Street, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD40

3168. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; INSPECTION OF SUPPLIES, (GSAR 5-173)

Legal Authority: 8 USC 486(c)

CFR Citation: 48 CFR 512; 48 CFR 546; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation would revise section 512.104 to amend the prescription for use of the Availability for Inspection, Testing and Shipment/Delivery clause; delete section 546.301; amend section 546.302, 546.302-70 and 546.302-71 to revise the sections to prescribe the new Source Inspection by Quality Approved Manufacturer and the Source Inspection clause; delete sections 546.302-72, 546.316 and 546.316–70; amend section 552.216-72 to combine the two availability for Inspection, Testing and Shipment/Delivery clauses currently used into a single clause with an alternate; amend section 552.242-70 to revise the Status Report of Order and Shipments clause to change the reporting frequency from twice a month to once a month, retitle section 552.246-70 and revise the section to provide the text of the new Source Inspection by Quality Approved Manufacturer clause; delete section 552.246-72 and make other miscellaneous changes for clarity.

Timetable:

Action	Date	FR Cite
NPRM	11/23/88	53 FR 47551
NPRM Comment Period End	12/23/88	
Final Action	04/01/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD41

OFFICE OF THE COMPTROLLER

3169. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This rule revises Public Voucher for Transportation Charges, Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will

reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gracie Jones, Transportation Specialist, General Services Administration, Regulations and Procedures Section (FWCP/R), Washington, DC 20405, 202 786-3007

RIN: 3090–AB69

FEDERAL PROPERTY RESOURCES SERVICE

3170. ● OUTLINE FOR EXPLANATORY STATEMENTS FOR NEGOTIATED SALES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.4911

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations concerning the disposal of Federal surplus real property to implement the provisions of Public Law 100-77, as amended by Public Law 100-628. Public Law 100-77 amended the Federal Property and Administrative Services Act of 1959, as amended, and contains provisions which affect congressional oversight of negotiated sales.

Timetable:

Action	Date	FR Cite
Final Action	03/00/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), Federal Property Resources Service, General Services Administration, 18th and F Street, NW., Washington, DC 20405, 202 535-7052

RIN: 3090–AD32

FEDERAL SUPPLY AND SERVICES

3171. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Legal Deadline: None

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA24

3172. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Legal Deadline: None

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Property Management Division (FBP), Washington, DC 20406, 703 557-1240

RIN: 3090–AA42

3173. REVISION OF STANDARD FORM 1170, REDEMPTION OF UNUSED TICKETS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101

Legal Deadline: None

Abstract: The current Standard Form (SF) 1170, Redemption of Unused Tickets, format is not suitable for automated preparation. This rule proposes to make the SF 1170 available in electronic data processing (EDP) format to facilitate form preparation on either a typewriter or an automated printer.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	53 FR 19946
Final Action	04/01/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Carolyn West, Transportation Specialist, General Services Administration, GSA/FWCP/R, 18th & F Streets, NW, Washington, D.C., 202 786-3005

RIN: 3090–AD13

3174. USE OF ELECTRONIC DATA INTERCHANGE TO DOCUMENT AND PAY TRANSPORTATION BILLS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101

Legal Deadline: None

Abstract: This regulation permits Federal agencies to electronically transmit carrier billings and backup documentation for freight and passenger transportation services as an alternative to issuing the hard copy standard forms prescribed in 41 CFR 101-41.

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 37068
Final Action	04/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Sandfort, Chief, Regulations, Procedures, and Review, Branch (FWCP), General Services Administration, 18th & F Streets, NW, Washington, DC 20405, 202 786-3065

RIN: 3090–AD27

3175. ● SUBMISSION OF PAID FREIGHT BILLS/INVOICES, CBL'S, GTR'S, PASSENGERS COUPONS, AND SUPPORTING DOCUMENTATION COVERING TRANSPORTATION SERVICES UNDER COST-REIMBURSEMENT CONTRACTS

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Legal Deadline: None

Abstract: This temporary regulation revises the Federal Property Management Regulations to include the submission of Government Transportation Requests and passenger coupons to the General Service Administration (GSA) for audit. Currently, agencies must ensure only that contractors doing business with the Government under a cost-reimbursement contract submit paid freight bills/invoices, commercial bills a lading, and supporting documentation to GSA for audit.

Timetable:

Action	Date	FR Cite
Temporary Regulation	04/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn West, Transportation Specialist, Federal Supply Service, General Services Administration, 18th & F Street, NW., Washington, DC 20405, 202 786-3005

RIN: 3090–AD35

OFFICE OF INFORMATION RESOURCES MANAGEMENT

3176. UPDATE OF GOVERNMENTWIDE TELECOMMUNICATIONS POLICIES AND REGULATIONS

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-21; 41 CFR 201-23; 41 CFR 201-38; 41 CFR 201-39; 41 CFR 201-41

Legal Deadline: None

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will update GSA policies and provisions impacting Governmentwide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM	09/23/87	52 FR 35736
NPRM Comment Period End	11/23/87	52 FR 35736
Final Action Effective	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Anthony Trenkle, Communications Specialist, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090–AB08

3177. ESTABLISHMENT OF POLICIES AND PROCEDURES FOR FEDERAL AGENCIES' MANAGEMENT OF ELECTRONIC RECORDKEEPING, PROJECT 86.83A

Legal Authority: 40 USC 486(f); 40 USC 751(f)

CFR Citation: 41 CFR 201-22; 41 CFR 201-45

Legal Deadline: None

Abstract: This project establishes a new Subpart 201-45.2 in the FIRMR to establish governmentwide policies and procedures for the management of electronic recordkeeping. Specifically responsibilities for the creation, maintenance, use, and disposition of electronic records will be prescribed.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48947
NPRM Comment Period End	01/04/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: R. Stewart Randall, Management Analyst, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405, 202 566-0194

RIN: 3090–AC54

3178. IMPLEMENTATION OF TITLE VIII, PAPERWORK REDUCTION REAUTHORIZATION ACT OF 1986, P.L. 99-500 REGARDING AUTOMATIC DATA PROCESSING EQUIPMENT

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-2; 41 CFR 201-23; 41 CFR 201-24

Legal Deadline: None

Abstract: This regulation implements certain selected portions of the Paperwork Reduction Reauthorization Act of 1986. Among the other changes, it clarifies the applicability of the FIRMR to the management acquisition, and use of various information resources by Federal agencies. The amendment prescribes FIRMR policies and procedures for use in determining whether any particular procurement must be conducted under GSA's exclusive procurement authority. It also streamlines the Delegations Program by establishing uniform procedures, uniform blanket delegations of procurement authority, Agency Procurement Requests for all ADP and telecommunications resources.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30706
NPRM Comment Period End	09/23/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

GSA — Final Rule Stage

Agency Contact: William Loy/Margaret Truntich, Procurement Analyst/Chief, Regulation Branch, General Services Administration, GSA, IRMS/KMPR, Washington, D.C. 20405, 202 566-0194

RIN: 3090–AD03

3179. UPDATE REGULATIONS REGARDING FTS 2000 USAGE (FIRMR INTERIM RULE 1)

Significance: Agency Priority

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201-1; 41 CFR 201-41

Legal Deadline: None

Abstract: FIRMR Interim Rule 1, regarding the mandatory use of the FTS 2000 network, was published on July 29, 1988, to meet the requirements of the Conference Report for PL 100-202. PL 100-440 was subsequently enacted on September 22, 1988, to include more specific provisions regarding use of FTS 2000. This proposed interim rule will update Interim Rule 1 to incorporate the provisions of PL 100-440.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/29/88	53 FR 28638
Interim Final Rule Public Comment Period End	08/29/88	
Interim Final Rule Effective Date	10/01/88	
Interim Final Rule	07/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: William B. Loy, Procurement Analyst, General Services Administration, Regulations Branch (KMPR), 18th & F Sts., Washington, DC 20405, 202 566-0194

RIN: 3090–AD20

GENERAL SERVICES ADMINISTRATION (GSA) — Completed Actions

3180. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, MISCELLANEOUS CHANGES, CHANGE 56 (GSAR 5-87)

CFR Citation: 48 CFR 504; 48 CFR 514; 48 CFR 515; 48 CFR 522; 48 CFR 532; 48 CFR 534; 48 CFR 536; 48 CFR 537; 48 CFR 552; 48 CFR 553

Completed:

Reason	Date	FR Cite
Final Action	08/16/88	53 FR 30841
Final Action Effective	08/16/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Margorie Ashby 202 523-3822

RIN: 3090–AB83

3181. CONTRACT CLOSEOUT PROCEDURES (GSAR 5-96)

CFR Citation: 48 CFR 504

Completed:

Reason	Date	FR Cite
Withdrawn	01/04/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AC67

3182. GSAR ACQUISITION CIRCULAR (AC-88-2) ADMINISTRATION OF SMALL AND SMALL DISADVANTAGED BUSINESS SUBCONTRACTING PLAN

CFR Citation: 48 CFR 519; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action	12/05/88	53 FR 48910
Final Action Effective	12/02/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Marjorie Ashby 202 523-3822

RIN: 3090–AC69

3183. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, NOVATION AGREEMENTS, CHANGE 58, (GSAR 5-264)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 542

Legal Deadline: None

Abstract: General Services Administration Acquisition Regulation (GSAR) was amended by adding Subpart 542.12 to establish a uniform policy for processing novation agreements for GSA contracts that were set aside for small business.

Timetable:

Action	Date	FR Cite
NPRM	07/11/88	53 FR 26092
NPRM Comment Period End	08/10/88	53 FR 26092
Final Action	09/02/88	53 FR 34089
Final Action Effective	09/15/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: Multiple

Analysis: Regulatory Flexibility Analysis

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD30

3184. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, IMPLEMENT FAC 84-34, CHANGE 59 (GSAR 5-214)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 501; 48 CFR 522; 48 CFR 552; 48 CFR 553

Legal Deadline: None

Abstract: The General Services Administration Acquisition Regulation (GSAR) was amended to revise section 501.105 to delete certain OMB control numbers relating to data collections

that have been incorporated in the Federal Acquisition regulation (FAR) and to change the section reference of GSA Form 618-D assigned OMB Control No. 1215-0149; to revise part 522 to supplement the FAR by identifying the individuals in GSA who are responsible for making determinations regarding liquidated damages, to add text to identify the individuals responsible for requesting extensions of the period for application of wage determinations, to provide for the use of GSA Form 618-A, Transmittal of Contract Award, to inform contractors of their obligations under the labor standards clauses, to provide for submission of GSA Form 618-D, "Statement to be Submitted when Work is to be Performed Personally" (by contractors or subcontractors), to require reports to be submitted to the Department of Labor; to revise part 552 to delete sections 552.222-70 through 552.222-80 from the text and the clause matrixes; and to revise part 553 to delete reference to GSA Forms 2428 and 3017.

Timetable:

Action	Date	FR Cite
Final Action	12/20/88	53 FR 51107
Final Action Effective	12/28/88	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD31

3185. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION: VALUE ENGINEERING, (GSAR 5-257)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 548; 48 CFR 552

Legal Deadline: None

Abstract: This proposed change to the General Services Administration Acquisition Regulation that would delete the current material in Part 548 and add material to provide: agency policy for the use of value engineering techniques, value engineering proposal submission and processing requirements for certain types of contracts, agency policy with respect to shared saving on certain types of contracts, and to prescribe a clause entitled "Value Engineering Program--Architect-Engineer." Part 552 would also be amended to add the text of the clause.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33155
Final Action	01/03/89	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulation, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD34

3186. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; ACQUISITION CIRCULAR AC-88-2, CHANGES TO THE GOVERNMENT PROCUREMENT CODE

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 505; 48 CFR 514; 48 CFR 525

Legal Deadline: None

Abstract: This Acquisition Circular temporarily amends Parts 505, 514 and 525 of the General Services Administration Acquisition Regulation to implement Item II of Federal Acquisition Circular 84-38, published in the Federal Register on July 20, 1988. Item II of the FAC revised the Federal Acquisition Regulation to implement amendments to the Agreement on Government Procurement that were negotiated by the United States Trade Representative.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	53 FR 38885
Final Action Effective	08/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th & F Streets, NW., Washington, DC 20405, 202 523-3822

RIN: 3090–AD37

3187. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION; IMPLEMENT FAC 84-31 AND MONITORING CONTRACTOR COMPLIANCE WITH SUBCONTRACTING PLANS, CHANGE 57 (GSAR 5-203/5-215)

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR 519

Legal Deadline: None

Abstract: General Services Administration Acquisition Regulation (GSAR) was amended to revise section 519.502-1 to delete material that is repetitive of the Federal Acquisition Regulation and inconsistent with the intent of Congress is enacting Pub. L. 99-661; incorporate material in Acquisition Circular AC-87-3 into the regulation, and to cancel the circular. Section 519.770-1 was also revised to clarify to whom the SF-295 is to be submitted.

Timetable:

Action	Date	FR Cite
Final Action	09/01/88	53 FR 33812
Final Action Effective	09/20/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marjorie Ashby, Management Analyst, General Services Administration, Office of GSA Acquisition Policy and Regulations, 18th & F Streets, NW, Washington, DC 20405, 202 523-3822

RIN: 3090–AD39

3188. NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

CFR Citation: 41 CFR 101-14.4

Completed:

Reason	Date	FR Cite
Withdrawn	07/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: J. Wayne Kulig 202 535-7671

RIN: 3090–AA40

GSA

Completed Actions

3189. REPORTING OF EXCESS REAL PROPERTY - ASBESTOS

CFR Citation: 41 CFR 101-47.202-2

Completed:

Reason	Date	FR Cite
Final Action	08/09/88	53 FR 29892
Final Action Effective	08/09/88	53 FR 29892

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Marjorie L. Lomax 202 535-7052

RIN: 3090–AD05

3190. RESPONSIBILITY OF DISPOSAL AGENCY; DISPOSALS TO PUBLIC AGENCIES

CFR Citation: 41 CFR 101-47.303-2

Completed:

Reason	Date	FR Cite
Withdrawn	10/25/88	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Marjorie L. Lomax 202 535-7052

RIN: 3090–AD28

3191. ● DISPOSAL OF FEDERAL SURPLUS REAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.301-2; 41 CFR 101-47.304-9; 41 CFR 101-47.304-9(d); 41 CFR 101-47.304-12

Legal Deadline: None

Abstract: The General Services Administration is amending its regulations as follows in order to implement the provisions of Public Law 100-612: 41 CFR 101-47.301-2 is revised to change the criteria for seeking anti-trust advice from the Attorney General from $1,000,000 acquisition cost to $3,000,000 estimated fair market value; 41 CFR 101-47.304-9 is revised to authorized the disposal of surplus real property by negotiation when the estimated fair market value of the property does not exceed $15,000; 41 CFR 101-47.304-9(d) is added to require the Administrator of General Services to submit an annual report to Congress concerning negotiated disposals; and 41 CFR 101-47.304-12 is revised to identify required conditions leading to Congressional review of proposed negotiated disposals of surplus real property.

Timetable:

Action	Date	FR Cite
Final Action	03/24/89	54 FR 2198
Final Action Effective	03/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Marjorie L. Lomax, Director, Policy and Planning Division (DRP), Federal Property Resources Service, General Services Administration, 18th and F Street, NW., Washington, DC 20405, 202 535-7052

RIN: 3090–AD33

3192. REVISION OF ADPE REUTILIZATION POLICIES AND PROCEDURES INCLUDING INSTRUCTIONS FOR SF 120, PROJECT 86.14A

Significance: Agency Priority

CFR Citation: 41 CFR 201 to 33

Completed:

Reason	Date	FR Cite
Final Action	01/19/89	54 FR 2125
Final Action Effective	01/19/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Anderson/Margaret Truntich 202 566-0194

RIN: 3090–AC25

3193. OFFICE EQUIPMENT ACCESSIBILITY FOR THE HANDICAPPED

Significance: Regulatory Program

CFR Citation: 41 CFR 201

Completed:

Reason	Date	FR Cite
Final Action	10/13/88	53 FR 40066
Final Action Effective	11/14/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Anderson/Margaret Truntich 202 566-0194

RIN: 3090–AD02

3194. ● TELECOMMUNICATIONS ACCESSIBILITY FOR THE HEARING AND SPEECH IMPAIRED

Significance: Regulatory Program

Legal Authority: 40 USC 486(c); 40 USC 751(f)

CFR Citation: 41 CFR 201

Legal Deadline: Final, Statutory, October 24, 1989.

Abstract: The Telecommunication Accessibility Enhancement Act of 1988 (PL 100-542) directs GSA to prescribe regulations that make the Federal Telecommunications System fully accessible to hearing and speech impaired individuals. GSA plans to issue a FIRMR rule requiring agencies to use telecommunications devices for the deaf (TDD's) or related equipment and update TDD directories. A FIRMR bulletin will probably also be issued to describe the types of TDD's and related devices available to agencies.

Timetable:

Action	Date	FR Cite
Final Action	08/01/88	53 FR 38885
Final Action Effective	08/01/88	
Interim Final Rule	10/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Anthony Trenkle, Communications Specialist, General Services Administration, Regulations Branch (KMPR), Information Resources Management Service, Washington, DC 20405. 202 566-0194

RIN: 3090–AD36

[FR Doc. 89-5845 Filed 04-21-89; 8:45 am]

BILLING CODE 6820-61-T

federal register

Monday
April 24, 1989

Part XXVII

Merit Systems Protection Board

Semiannual Regulatory Agenda

MERIT SYSTEMS PROTECTION BOARD (MSPB)

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board (MSPB) regulations are scheduled for review or development from April 1989 through March 1990. They are submitted herein for publication in the Unified Agenda of Federal Regulations, E.O. 12291. Regulatory action may not be limited to the items listed.

FOR FURTHER INFORMATION CONTACT: Paul D. Mahoney, Director, Office of Management Analysis, (202) 653-8892.

Dated: February 22, 1989.

Merit Systems Protection Board.

Daniel R. Levinson,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Prerule Stage

3195. PART 1205 - PRIVACY ACT

Legal Authority: 5 USC 552a Privacy Act

CFR Citation: 5 CFR 1205

Legal Deadline: None

Abstract: Pursuant to 5 USC 552a(f), the Board is required to promulgate regulations pursuant to notice and receipt of public comment establishing procedures for responding to individual requests for access to records covered by the Privacy Act; for the amendment of records covered by the Act and for appeals of adverse rulings on such requests; and for fees to be charged for copying requested records. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review these regulations to ensure that they are easily understood by all persons. If indicated by the review, the Board plans to publish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	09/00/87	
Republish in "plain English"	04/00/89	
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, 202 653-7200

RIN: 3124–AA05

3196. PART 1206 - OPEN MEETINGS

Legal Authority: 5 USC 552b Government in the Sunshine Act

CFR Citation: 5 CFR 1206

Legal Deadline: None

Abstract: Pursuant to 5 USC 552b, the Board is required to promulgate regulations, pursuant to notice and receipt of public comment, establishing procedures by which it will conduct open meetings. Such regulations were issued in 44 FR 43448, July 24, 1979. The Board proposes to review these regulations to ensure that they are easily understood by all persons. If indicated by the review, the Board plans to publish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
Republish in "plain English"	04/00/89	
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, 202 653-7200

RIN: 3124–AA06

3197. PART 1207 - ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99

Legal Deadline: None

Abstract: The Board published final regulations in 53 FR 25880, July 8, 1988. The Board plans to monitor those regulations carefully to ensure that they are easily understood. If indicated by the review, the Board plans to rewrite them in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	07/00/88	
End Review	12/00/89	
Publish regulations in "plain English"	04/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Robert U. Hernandez, Director, Equal Employment Division, Merit Systems Protection Board, 1120 Vermont Ave., NW, Washington, DC 20419, 202 653-6180

RIN: 3124–AA09

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Proposed Rule Stage

3198. PART 1203 - HEARING PROCEDURES FOR ORIGINAL JURISDICTION CASES

Legal Authority: 5 USC 1205(a)(4); 5 USC 1205(e); 5 USC 1205(g)

CFR Citation: 5 CFR 1203.1 to 1203.18

Legal Deadline: None

Abstract: The Board proposes to review the regulations in this part to ensure that these regulations are easily understood by all persons. If indicated by the review, the Board plans to republish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
Publish regulations in "plain English"	04/00/89	
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Paul D. Mahoney, Director, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-8892

RIN: 3124–AA07

3199. PART 1204 - FREEDOM OF INFORMATION ACT

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 1204.1 to 1204.22

Legal Deadline: None

Abstract: The Board issued interim final regulations in 52 FR 28123, July 28, 1987. The interim regulations became final regulations on December 1, 1987, in 52 FR 45597. The Board proposes to monitor these regulations carefully to ensure that they are easily understood. If indicated by the review, the Board plans to rewrite them in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	08/00/87	
Republish in "plain English"	04/00/89	
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Michael H. Hoxie, Director, Information Services Division, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-7200

RIN: 3124–AA08

3200. PART 1201 - PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205; 5 USC 7701

CFR Citation: 5 CFR 1201.1 to 1201.199

Legal Deadline: None

Abstract: The Board proposes to review the regulations in this part to ensure that these regulations are easily understood by all persons appearing before the Board. If indicated by the review, the Board plans to republish these regulations in "plain English."

Timetable:

Action	Date	FR Cite
Begin Review	10/00/87	
Publish regulations in "plain English"	04/00/89	
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Sectors Affected: None

Agency Contact: Paul D. Mahoney, Director, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-8892

RIN: 3124–AA10

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Completed Actions

3201. ● PART 1200–BOARD ORGANIZATION

Legal Authority: 5 USC 1205(g); 5 USC 1205(i)

CFR Citation: 5 CFR 1200

Legal Deadline: None

Abstract: Part 1200 is revised to reflect current organizational units and the primary functions assigned to those units.

Timetable:

Action	Date	FR Cite
Final Action	11/21/88	53 FR 46843
Final Action Effective	11/21/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Director, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Rm. 884, Washington, DC 20419, 202 653-8892

RIN: 3124–AA04

3202. ● PART 1201–PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205; 5 USC 7701(j)

CFR Citation: 5 CFR 1201

Legal Deadline: None

Abstract: Appendix II to Part 1201 is amended to correct the address of the Denver Regional Office.

Timetable:

Action	Date	FR Cite
Final Action	10/13/88	53 FR 40015
Final Action Effective	10/13/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark Kelleher, Deputy Executive Director for Regional, Operations, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Rm.

800, Washington, DC 20419, 202 653-7980

RIN: 3124–AA12

3203. ● PART 1205–PRIVACY ACT

Legal Authority: 5 USC 552a

CFR Citation: 5 CFR 1205.16; 5 CFR 1205.31; 5 CFR 1205.32

Legal Deadline: None

Abstract: The Board is amending the fee schedule for providing records under the Privacy Act. The Board is also amending its administrative appeal procedures to provide for appeal of denial of requests for amendment of records to the Executive Director.

Timetable:

Action	Date	FR Cite
Final Action	12/09/88	53 FR 49649
Final Action Effective	12/09/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Rm. 806, Washington, DC 20419, 202 653-7262

RIN: 3124–AA13

3204. ● PART 1201–PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205; 5 USC 7701(j)

CFR Citation: 5 CFR 1201.118(b)

Legal Deadline: None

Abstract: Part 1201.118(b) is revised to provide OPM 35 days after service of the Board's final order within which to file a petition for reconsideration rather than 30 days of the date of the final order as previously required.

Timetable:

Action	Date	FR Cite
Final Action	01/19/89	54 FR 2083
Final Action Effective	01/19/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Director, Office of Management Analysis, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, 202 653-8892

RIN: 3124–AA14

3205. ● PART 1201–PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205; 5 USC 7701(j)

CFR Citation: 5 CFR 1201

Legal Deadline: None

Abstract: Appendix II to Part 1201 is amended to correct the address of the Seattle Regional Office.

Timetable:

Action	Date	FR Cite
Final Action	12/01/88	53 FR 48505
Final Action Effective	12/01/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark Kelleher, Deputy Executive Director for Regional Operations, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Rm. 800, Washington, DC 20419, 202 653-7980

RIN: 3124–AA15

3206. ● PART 1201–PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205; 5 USC 7701(j)

CFR Citation: 5 CFR 1201

Legal Deadline: None

Abstract: Appendix II to Part 1201 is amended to correct the address of the New York Regional Office.

Timetable:

Action	Date	FR Cite
Final Action	11/29/88	53 FR 47927
Final Action Effective	11/29/88	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mark Kelleher, Deputy Executive Director for Regional Operations, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Rm. 800, Washington, DC 20419, 202 653-7980

RIN: 3124–AA16

[FR Doc. 89-5846 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XXVIII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, General Management Division (Code NPN), Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 89-02, "Regulatory Program of the United States Government (April 1, 1989 - March 31, 1990) and Unified Agenda of Federal Regulations for April 1989," Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10F, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each April and October.

Philip A. Waller,

Director, General Management Division.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3207	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
3208	Space Transportation System; Mementos Aboard Space Shuttle Flights	2700-AA18
3209	Personnel Security Adjudication and Procedures	2700-AA31
3210	Space Transportation System; Reimbursement for Shuttle Services Provided to Non-U.S. Government Users; Reimbursement for Shuttle Services Provided to Civil U.S. Government Users and Foreign Etc	2700-AA45
3211	Delegation of Authority of Certain Civil Rights Functions to the Department of Health, Education, and Welfare	2700-AA47
3212	Payload Specialists for NASA or NASA Related Payloads	2700-AA52
3213	Extraterrestrial Exposure	2700-AA53
3214	Policy Concerning Data Obtained from Space Science Flight Investigations	2700-AA54
3215	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Assistance by NASA	2700-AA69
3216	National Space Grant College and Fellowship Program	2700-AA75
3217	Care and Use of Animals in the Conduct of NASA Activities	2700-AA78
3218	Limited Arrest Authority and Use of Force by NASA Security Force Personnel	2700-AA80

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3219	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
3220	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3221	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
3222	Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs	2700-AA32
3223	Availability of Agency Records to Members of the Public	2700-AA49
3224	Nondiscrimination in Federally-Assisted Programs of NASA	2700-AA50
3225	Duty-Free Entry of Space Articles	2700-AA62
3226	Policy On The Protection Of Human Subjects	2700-AA76
3227	Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug Free Workplace (Grants)	2700-AA81
3228	Processing of Monetary Claims (General)	2700-AA82

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3229	NASA Information Security Program	2700-AA05
3230	Delegation of Authority to Make Determinations in Original Classification Matters	2700-AA06

NASA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3231	Space Transportation System; Nonscientific Payloads	2700-AA19
3232	Inspection of Persons and Personal Effects on NASA Property	2700-AA20
3233	Standards of Conduct	2700-AA30
3234	Source Evaluation Board Handbook	2700-AA39
3235	NASA Information Security Program Committee	2700-AA64
3236	Implementation of the Program Fraud Civil Remedies Act of 1986	2700-AA71
3237	Freedom of Information Act Submitter Notice	2700-AA74

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Proposed Rule Stage

3207. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, "Subpart 1"

Legal Deadline: None

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 2700-AA13 merged with RIN 2700-AA14.

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1911**

RIN: 2700–AA14

3208. SPACE TRANSPORTATION SYSTEM; MEMENTOS ABOARD SPACE SHUTTLE FLIGHTS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, "Subpart 6"

Legal Deadline: None

Abstract: Clarifies policy on carrying mementos aboard Space Shuttle flights and use of both official flight kits and personal preference kits.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Wanda J. Dockery, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1923**

RIN: 2700–AA18

3209. PERSONNEL SECURITY ADJUDICATION AND PROCEDURES

Legal Authority: 42 USC 2451 et seq.; 5 USC 552 A; 5 USC 5596; EO 10450; EO 12356; 5 USC 7312; 5 USC 7531 TO 7533

CFR Citation: 14 CFR 1203, "Subpart J"

Legal Deadline: None

Abstract: 14 CFR Part 1203 is amended by adding this new Subpart J, "Emergency Personnel Security Adjudication and Procedures." This proposed rule sets forth NASA's personnel security adjudication policy and procedures. The intended effect of this proposed rule is to inform individuals of the procedures within NASA with respect to those individuals whose employment with NASA may not be clearly consistent with the interests of national security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerome Verba, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2946**

RIN: 2700–AA31

3210. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO NON-U.S. GOVERNMENT USERS; REIMBURSEMENT FOR SHUTTLE SERVICES PROVIDED TO CIVIL U.S. GOVERNMENT USERS AND FOREIGN ETC

Legal Authority: PL 85-568, Sec 203; 42 USC 2473; PL 87-624, Sec 201(b); 47 USC 721(b)

CFR Citation: 14 CFR 1214, "Subpart 1"; 14 CFR 1214, "Subpart 2"

Legal Deadline: None

Abstract: This revision will incorporate provisions for scheduled shared-flight retrieval service and for equitable charging for use of the downweight capability of the shuttle.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: TITLE CONT: Users Who Have Made Substantial Investment in the STS Program

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space

Administration, NASA Headquarters, Washington, DC 20546, 202 453-1911

RIN: 2700–AA45

3211. DELEGATION OF AUTHORITY OF CERTAIN CIVIL RIGHTS FUNCTIONS TO THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Legal Authority: 42 USC 2473(b)(1); 42 USC 2473(b)(3); 42 USC 2473(b)(5); 42 USC 2473(b)(6); 42 USC 2473(b)(14)

CFR Citation: 14 CFR 1204.508

Legal Deadline: None

Abstract: Amends existing NASA regulation to reflect changes in the Federal sector and to include new civil rights laws enacted since the original regulation was published.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA47

3212. PAYLOAD SPECIALISTS FOR NASA OR NASA RELATED PAYLOADS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473; PL 87-624, Sec 201(b); 47 USC 721(b)

CFR Citation: 14 CFR 1214, "Subpart 3"

Legal Deadline: None

Abstract: Revises existing regulation to reflect current practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerry J. Fitts, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2347

RIN: 2700–AA52

3213. EXTRATERRESTRIAL EXPOSURE

Legal Authority: 42 USC 2455; 42 USC 2456; 42 USC 2473; 18 USC 799

CFR Citation: 14 CFR 1211

Legal Deadline: None

Abstract: Revision updates the existing regulation to conform to current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephan W. Fogleman, Office of Space Science and Applications, Code EB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1530

RIN: 2700–AA53

3214. POLICY CONCERNING DATA OBTAINED FROM SPACE SCIENCE FLIGHT INVESTIGATIONS

Legal Authority: 42 USC 2454

CFR Citation: 14 CFR 1205, "Subpart 1"

Legal Deadline: None

Abstract: Amends regulation to reflect current agency practices.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Greg Hunolt, Office of Space Science and Applications, Code EC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2132

RIN: 2700–AA54

3215. NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM ASSISTANCE BY NASA

Legal Authority: 20 USC 1681 et seq

CFR Citation: 14 CFR 1253

Legal Deadline: None

Abstract: This regulation proposes to establish for NASA a set of rules prohibiting sex discrimination in educational programs or activities receiving financial assistance from NASA. Under authority provided by the Education Amendments of 1974, this regulation seeks to ensure that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or otherwise be subject to discrimination under any program or activity receiving Federal financial assistance from NASA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Program, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA69

3216. NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM

Legal Authority: PL 100-147

CFR Citation: 14 CFR 1259

Legal Deadline: None

Abstract: Formalizes and expands upon NASA's policy and procedures for implementing the National Space Grant College and Fellowship Program.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10357
NPRM Comment Period End	04/12/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elaine Schwartz, University Programs Branch, Code XEU, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-8344

RIN: 2700–AA75

3217. CARE AND USE OF ANIMALS IN THE CONDUCT OF NASA ACTIVITIES

Legal Authority: 42 USC 2451; PL 89-544, as amended; 7 USC 2131; 39 USC 3001; PL 99-158, Sec 495

CFR Citation: 14 CFR 1232

NASA

Proposed Rule Stage

Legal Deadline: None

Abstract: This proposed rule establishes the policy, implementation procedures, and management authority and responsibility for the care and use of vertebrate animals in the conduct of NASA activities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thora Halstead, Office of Space Science and Applications, Code EB, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1527**

RIN: 2700–AA78

3218. ● LIMITED ARREST AUTHORITY AND USE OF FORCE BY NASA SECURITY FORCE PERSONNEL

Legal Authority: 42 USC 2456(e); 42 USC 2456(f); EO 12356

CFR Citation: 14 CFR 1203 "Subpart B"

Legal Deadline: None

Abstract: NASA proposes to implement 42 USC 2456(e), (f), and EO 12356 by establishing centralized control over the exercise of arrest authority at NASA Headquarters and ensuring that NASA Security Force personnel at NASA Installations exercise such arrest authority, including the use of force to effect such an arrest in a manner consistent with both NASA's security objectives and recognized legal standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter, NASA Security Office, Code NIS, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2953**

RIN: 2700–AA80

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Final Rule Stage

3219. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 85-568, Sec 203; 42 USC 2473 Sec 308 of the Space Act as amended; 42 USC 2458(b)

CFR Citation: 14 CFR 1214, "Subpart 13"

Legal Deadline: None

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Wojtal, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2446**

RIN: 2700–AA00

3220. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, "Subpart 8"

Legal Deadline: None

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/85	50 FR 30807
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lowell E. Primm, Office of Space Flight, Code MC, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-1911**

RIN: 2700–AA01

3221. TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568 Sec 203; 42 USC 2473

CFR Citation: 14 CFR 1215

Legal Deadline: None

Abstract: Annual revision of Appendix A to reflect each Calendar Year rate change for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action for CY 1990 Rate Change	03/15/89	54 FR 10627
Final Action for CY 1991 Rate Change	07/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene Ferrick, Office of Space Operations, Code T, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2043**

RIN: 2700–AA29

3222. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 4601 Note

CFR Citation: 14 CFR 1208

Legal Deadline: None

Abstract: Designates Department of Transportation (DOT) as lead agency in implementation of Uniform Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/87	52 FR 48017
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gitta G. Haber, Facilities Management Office, Code NXG, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-1958

RIN: 2700–AA32

3223. ● AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Legal Authority: 42 USC 2473; 5 USC 552 as amended; PL 93-504; PL 99-507

CFR Citation: 14 CFR 1206

Legal Deadline: None

Abstract: In accordance with Executive Order 12600, NASA is establishing formal notice procedures to notify submitters of commercial information in the event NASA receives a request for such information pursuant to the Freedom of Information Act. This action will result in a regulatory procedure which is consistent with NASA's long-standing policy and practice.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48276
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia M. Riep, Freedom of Information Act Officer, Code LN, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2939

RIN: 2700–AA49

3224. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF NASA

Legal Authority: Title VI of the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975; EO 12250

CFR Citation: 14 CFR 1250

Legal Deadline: None

Abstract: NASA is revising 14 CFR Part 1250, "Nondiscrimination in Federally-Assisted Programs of NASA," to reflect changes in the NASA organization and processes through which this regulation is implemented. The purpose of this Part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lewin S. Warren, Office of Equal Opportunity Programs, Code U, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2163

RIN: 2700–AA50

3225. DUTY-FREE ENTRY OF SPACE ARTICLES

Legal Authority: PL 98-573 Sec 124; PL 97-446 Sec 116 and Sec 156; 19 USC 1202 note

CFR Citation: 14 CFR 1214, "Subpart 15"

Legal Deadline: None

Abstract: Amending 14 CFR Subpart 1214.15 to reflect the changes on the duty-free entry of communication satellites imposed by PL 98-573.

Timetable:

Action	Date	FR Cite
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert J. Wojtal, Office of General Counsel, Code GK, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2446

RIN: 2700–AA62

3226. POLICY ON THE PROTECTION OF HUMAN SUBJECTS

Legal Authority: 42 USC 2451

CFR Citation: 14 CFR 1230

Legal Deadline: None

Abstract: NASA will be one of a few Federal Agencies to adopt a Model Federal Policy for the Protection of Human Subjects which was prepared by the Office of Science and Technology Policy. This NPRM will implement a Model Federal Policy for the Protection of Human subjects of research conducted, supported or regulated by NASA.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45668
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Arnauld E. Nicogossian, National Aeronautics and Space Administration, Life Sciences Division, Code EB, Office of Space Science and Applications, Washington, DC 20546, 202 453-1530

RIN: 2700–AA76

3227. ● GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; PL 100-690; 41 USC 701 et seq; PL 85-568, as amended

CFR Citation: 14 CFR 1265 "Subpart F"

Legal Deadline: Other, Statutory, March 18, 1989.

Abstract: The purpose of this rule is to add Subpart F and to implement other changes to the current nonprocurement suspension and debarment and sets forth standards for what constitutes a Drug Free Workplace (Grants).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4946
Interim Final Rule Effective	03/18/89	
Comment Period End	04/03/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: David K. Beck, Office of Procurement, Code HP, National Aeronautics and Space Administration,

NASA

Final Rule Stage

NASA Headquarters, Washington, DC 20546, 202 453-8250

RIN: 2700–AA81

3228. ● PROCESSING OF MONETARY CLAIMS (GENERAL)

Legal Authority: 31 USC 2371, et seq

CFR Citation: 14 CFR 1261

Legal Deadline: None

Abstract: NASA is amending 14 CFR Part 1261 by correcting the authority citation and by revising subpart 1261.102 to comply with Public Law 100-565, dated October 31, 1988.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sara Najjar, Office of General Counsel, Code GG, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700–AA82

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

Completed Actions

3229. NASA INFORMATION SECURITY PROGRAM

CFR Citation: 14 CFR 1203, "Subpart 2(f)(g)"

Completed:

Reason	Date	FR Cite
Final Action	11/09/88	53 FR 45259

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter 202 453-2953

RIN: 2700–AA05

3230. DELEGATION OF AUTHORITY TO MAKE DETERMINATIONS IN ORIGINAL CLASSIFICATION MATTERS

CFR Citation: 14 CFR 1203, "Subpart H"

Completed:

Reason	Date	FR Cite
Final Action	11/09/88	53 FR 45259

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter 202 453-2953

RIN: 2700–AA06

3231. SPACE TRANSPORTATION SYSTEM; NONSCIENTIFIC PAYLOADS

CFR Citation: 14 CFR 1214 "Subpart 16"

Completed:

Reason	Date	FR Cite
Final Action	11/29/88	53 FR 47949

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Pedersen 202 453-8305

RIN: 2700–AA19

3232. INSPECTION OF PERSONS AND PERSONAL EFFECTS ON NASA PROPERTY

CFR Citation: 14 CFR 1204, "Subpart 10"

Completed:

Reason	Date	FR Cite
Final Action	01/19/89	54 FR 2099

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter 202 453-2953

RIN: 2700–AA20

3233. ● STANDARDS OF CONDUCT

Legal Authority: 18 USC 201 to 219; PL 96-19; PL 96-28; EO 11222

CFR Citation: 14 CFR 1207 "Subpart G"; 14 CFR 1207 "Subpart H"; 5 CFR 734; 5 CFR 735; 5 CFR 737; 5 CFR 738; 5 CFR 755

Legal Deadline: None

Abstract: Amends existing NASA rule to include Subparts G and H that were inadvertently left out of the last revision.

Timetable:

Action	Date	FR Cite
Final Action	01/27/89	54 FR 4002

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Elizabeth Siegel, Office of General Counsel, Code GG, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700–AA30

3234. SOURCE EVALUATION BOARD HANDBOOK

CFR Citation: 48 CFR 00

Completed:

Reason	Date	FR Cite
Final Action	09/30/88	53 FR 38414

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David S. Sudduth 202 453-8652

RIN: 2700–AA39

3235. NASA INFORMATION SECURITY PROGRAM COMMITTEE

CFR Citation: 14 CFR 1203, "Subpart I"

Completed:

Reason	Date	FR Cite
Final Action	02/15/89	54 FR 6881

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Erwin V. Minter 202 453-2953

RIN: 2700–AA64

3236. ● IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

Legal Authority: 31 USC 3809; 42 USC 2473(c)(1); 31 USC 3801 et seq.

CFR Citation: 14 CFR 1264

Legal Deadline: None

Abstract: NASA is amending existing regulation by making editorial and

word changes, and by adding clarifying language consistent with suggestions by the President's Council on Integrity and Efficiency, in compliance with the Model Regulation.

Timetable:

Action	Date	FR Cite
Final Action	01/09/89	54 FR 599

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sara Najjar, Office of General Counsel, Code GG, National Aeronautics and Space Administration, NASA Headquarters, Washington, DC 20546, **202 453-2465**

RIN: 2700–AA71

3237. FREEDOM OF INFORMATION ACT SUBMITTER NOTICE

CFR Citation: 14 CFR 1206

Completed:

Reason	Date	FR Cite
Final Action Merged with RIN 2700-AA49	11/30/88	53 FR 48276

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Pamela J. vonSoosten **202 453-2439**

RIN: 2700–AA74

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Monday
April 24, 1989

Part XXIX

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since October 1988. This agenda was developed under the guidelines in OMB Bulletin No. 89-02, dated November 4, 1988. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA. None of the regulations listed in the agenda are considered major under Executive Order 12291, Federal Regulation.

FOR FURTHER INFORMATION CONTACT: John A. Constance, Acting Chief, Information Management and Directives Branch, (202) 523-3214.

Dated: February 24, 1989.

Don W. Wilson,

Archivist of the United States.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3238	Transfers to the National Personnel Records Center	3095-AA15

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3239	Restrictions on Access to Archival Records	3095-AA21
3240	Micrographics Records Management	3095-AA22
3241	Uniform Administrative Requirements for Grants and Cooperative Agreements	3095-AA23
3242	NARA Standards of Conduct	3095-AA25
3243	NARA Fee Schedule	3095-AA33
3244	National Historical Publications and Records Commission Grant Program Procedures	3095-AA43
3245	Creation of Records; Adequacy of Documentation	3095-AA45
3246	Disposition of Federal Records	3095-AA46

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3247	Electronic Records Management	3095-AA29
3248	Freedom of Information Act Access Procedures	3095-AA34
3249	Governmentwide Requirements for Drug-Free Workplace (Grants)	3095-AA44

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3250	Membership on State Historical Records Advisory Boards	3095-AA20
3251	NARA Implementation of Presidential Records Act	3095-AA24
3252	Loans of Original Records for Exhibition Purposes	3095-AA37
3253	Procedures for Transfers to Federal Records Centers	3095-AA41
3254	Transfer of Records to the National Archives	3095-AA42

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Prerule Stage

3238. TRANSFERS TO THE NATIONAL PERSONNEL RECORDS CENTER

Legal Authority: 44 USC 3101

CFR Citation: 36 CFR 1228.154

Legal Deadline: None

Abstract: Consideration is being given to acceptance of individual earnings and pay cards and comprehensive payrolls in microfiche or computer output microfilm format only.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gregory A. Pomicter, Dir., Field Operations Division (NCF), National Archives and Records Administration, Washington, DC 20408, 202 653-8388

RIN: 3095–AA15

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Proposed Rule Stage

3239. RESTRICTIONS ON ACCESS TO ARCHIVAL RECORDS

Legal Authority: 44 USC 2108(a); 44 USC 2104(a)

CFR Citation: 36 CFR 1256.40

Legal Deadline: None

Abstract: This rule will add specific agency restrictions on the use of certain accessioned archival records. The restrictions will be in conformity with the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Trudy H. Peterson, Assistant Archivist, Office of National Archives, National Archives and Records Administration, Washington, DC 20408, 202 523-3130

RIN: 3095–AA21

3240. MICROGRAPHICS RECORDS MANAGEMENT

Legal Authority: 44 USC 2907; 44 USC 3302; 44 USC 3312

CFR Citation: 36 CFR 1230

Legal Deadline: None

Abstract: This rule will update existing regulations on micrographics records management to correct references to Federal and industry micrographics standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA22

3241. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: 44 USC 2104; 44 USC 2504

CFR Citation: 36 CFR 1207

Legal Deadline: None

Abstract: This action proposes a common rule updating and replacing agencies' implementation of OMB Circular A-110 with a single, government-wide common rule establishing consistency and uniformity among Federal agencies in the administration of grants and cooperative agreements to institutions of higher education, hospitals, other nonprofit organizations, and commercial or for-profit entities. This result is achieved by amending the common rule issued by the agencies on March 11, 1988, to similarly update and replace implementation of OMB Circular A-102. The provisions of the common rule are largely drawn from the existing departmental rules issued by the several agencies which in the past developed a single, comprehensive rule implementing the circulars. This proposed common rule contains fiscal and administrative requirements applicable to grantees.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44716
NPRM Comment Period End	01/03/89	53 FR 44716

Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, D.C. 20408, 202 523-3214

RIN: 3095–AA23

3242. NARA STANDARDS OF CONDUCT

Legal Authority: 44 USC 2104(a)

CFR Citation: 36 CFR 1204

Legal Deadline: None

Abstract: These regulations will establish standards of conduct for NARA employees.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Brooks, Designed Agency Ethics Official,

National Archives and Records Administration, Washington, DC 20408, 202 523-3618

RIN: 3095–AA25

3243. ● NARA FEE SCHEDULE

Legal Authority: 44 USC 2104(a); 44 USC 2116(c)

CFR Citation: 36 CFR 1258

Legal Deadline: None

Abstract: NARA will revise fees charged for reproduction of records created by other Federal agencies and transferred to the custody of the Archives of the United States, donated historical materials and records filed with the Office of the Federal Register. The fees will be changed to reflect the current costs of providing the reproduction services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	06/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA33

3244. ● NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANT PROGRAM PROCEDURES

Legal Authority: 44 USC 2104(a); 44 USC Chapter 25

CFR Citation: 36 CFR 1206

Legal Deadline: None

Abstract: Revises and updates NHPRC's regulations to conform with governmentwide grants management regulations. Incorporating RIN 3095-AA20, "Membership on State Historical Records Advisory Boards", which restructures the State Historical Records Advisory Boards and redefines their function in the grant review process.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	06/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Richard A. Jacobs, Executive Director, National Historical Publications and Records Commission, National Archives and Records Administration, Washington, DC 20408, 202 523-1701

RIN: 3095–AA43

3245. ● CREATION OF RECORDS; ADEQUACY OF DOCUMENTATION

Legal Authority: 44 USC 2901 to 2909; 44 USC 3101 to 3107

CFR Citation: 36 CFR 1222; 36 CFR 1224

Legal Deadline: None

Abstract: The National Archives is revising its regulations relating to the creation and preservation of adequate and proper documentation by Federal agencies of the organization, functions, policies, decisions, procedures, and essential transactions of the government. The revision will clarify and expand the description of adequate and proper documentation and provide additional standards for records creation and maintenance.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
NPRM Comment Period End	09/00/89	
Final Action	11/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division, National Archives and Records Administration, Washington DC 20408, 202 724-1453

RIN: 3095–AA45

3246. ● DISPOSITION OF FEDERAL RECORDS

Legal Authority: 44 USC 2104; 44 USC 2107; 44 USC 2901 to 2909; 44 USC 3101 to 3107; 44 USC 3301 to 3314

CFR Citation: 36 CFR 1220; 36 CFR 1228

Legal Deadline: None

Abstract: The National Archives has revised its regulations relating to the disposition of Federal records to ensure clarity and conformity with current practices. This revision updates, clarifies, and reorganizes records disposition procedures. It was developed to provide additional information to assist agencies in carrying out their responsibilities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Jean Keeting, Deputy Director, Records Appraisal and, Disposition Division, National Archives and Records Administration, Washington, DC 20408, 202 724-1457

RIN: 3095–AA46

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Final Rule Stage

3247. ELECTRONIC RECORDS MANAGEMENT

Legal Authority: 44 USC 2904; 44 USC 3102

CFR Citation: 36 CFR 1234

Legal Deadline: None

Abstract: Federal agencies increasingly are recording their policies and authorities electronically. The proposed regulation will provide comprehensive standards for the creation, maintenance, use and disposition of electronic records.

Timetable:

Action	Date	FR Cite
NPRM	12/05/88	53 FR 48936
NPRM Comment Period End	02/03/89	53 FR 52202
Final Action	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Mary Ann Wallace, Director, Agency Services Division (NIA), National Archives and Records Administration, Washington, DC 20408, 202 724-1453

RIN: 3095–AA29

3248. ● FREEDOM OF INFORMATION ACT ACCESS PROCEDURES

Legal Authority: 44 USC 2104(a); 5 USC 552; EO 12600

CFR Citation: 36 CFR 1250; 36 CFR 1254

Legal Deadline: None

Abstract: This rule will implement the procedural requirements of EO 12600 of June 23, 1987, governing the disclosure to the public of information that may be of a commercially confidential nature.

Timetable:

Action	Date	FR Cite
NPRM	11/02/88	53 FR 44203
NPRM Comment Period End	12/02/88	53 FR 44203
Final Action	04/00/89	
Final Action Effective	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington DC 20408, 202 523-3214

RIN: 3095–AA34

3249. ● GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: EO 12549; PL 100-690, Drug-Free Workplace Act of 1988; 44 USC 2104(a)

CFR Citation: 36 CFR 1209

Legal Deadline: Final, Statutory, March 18, 1989.

Abstract: NARA is joining in the common grants rule to implement the Drug-Free Workplace Act of 1988. The rule will affect the National Historical Publications and Records Commission grants.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Comments on interim final rule	04/03/89	54 FR 4947

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: John A. Constance, Director, Policy and Program Analysis Division, National Archives and Records Administration, Washington, DC 20408, 202 523-3214

RIN: 3095–AA44

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Completed Actions

3250. MEMBERSHIP ON STATE HISTORICAL RECORDS ADVISORY BOARDS

CFR Citation: 36 CFR 1206

Completed:

Reason	Date	FR Cite
Withdrawn Incorporated into RIN 3095-AA43.	01/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Nancy Sahli 202 523-5386

RIN: 3095–AA20

3251. NARA IMPLEMENTATION OF PRESIDENTIAL RECORDS ACT

CFR Citation: 36 CFR 1270

Completed:

Reason	Date	FR Cite
Final Action	12/15/88	53 FR 50404
Final Action Effective	12/15/88	53 FR 50404

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gary Brooks 202 523-3618

RIN: 3095–AA24

3252. LOANS OF ORIGINAL RECORDS FOR EXHIBITION PURPOSES

CFR Citation: 36 CFR 1254

Completed:

Reason	Date	FR Cite
Withdrawn Difficulty on agreement of terms and conditions.	01/23/89	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John A. Constance 202 523-3214

RIN: 3095–AA37

3253. PROCEDURES FOR TRANSFERS TO FEDERAL RECORDS CENTERS

CFR Citation: 36 CFR 1228.152

Completed:

Reason	Date	FR Cite
Final Action	01/26/89	54 FR 3778
Final Action Effective	01/26/89	54 FR 3778

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gregory A. Pomicter 202 653-3388

RIN: 3095–AA41

3254. TRANSFER OF RECORDS TO THE NATIONAL ARCHIVES

CFR Citation: 36 CFR 1228.180

Completed:

Reason	Date	FR Cite
Final Action	01/19/89	54 FR 2111
Final Action Effective	01/19/89	54 FR 2111

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John A. Constance 202 523-3214

RIN: 3095–AA42

[FR Doc. 89-5848 Filed 04-21-89; 8:45 am]

BILLING CODE 7515-01-T

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Part XXX

National Capital Planning Commission

Semiannual Regulatory Agenda

NATIONAL CAPITAL PLANNING COMMISSION (NCPC)

NATIONAL CAPITAL PLANNING COMMISSION

1 CFR Ch. IV

Regulatory Agenda

AGENCY: National Capital Planning Commission (NCPC).

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the NCPC as required by Executive Order 12291. This information will allow the public to participate in the Commission's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Linda Dodd-Major, Legal Counsel, National Capital Planning Commission, 1325 G Street, NW., Washington, DC 20576, Telephone (202) 724-0187.

DATED: March 21, 1989.

Reginald W. Griffith,

Executive Director.

NATIONAL CAPITAL PLANNING COMMISSION (NCPC) — Final Rule Stage

3255. ● GUIDELINES AND SUBMISSIONS REQUIREMENTS FOR INSTALLATION OF ANTENNAS ON FEDERAL PROPERTY IN NATIONAL CAPITAL REGION

Legal Authority: 40 USC 71d; PL 90-553 International Center Act of 1968, as amended

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These amended guidelines, intended to supplement submissions requirements for installation of microwave antennas on Federal sites in the Nation's Capital, permit Federal agencies to install certain other classes of antennas "as a matter of right" and delegate authority to the Executive Director to approve antennas consistent with approved master plans.

Timetable:

Action	Date	FR Cite
NPRM	02/10/89	54 FR 6461
NPRM Comment Period End	03/10/89	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Gresham, Assistant Executive Director for Operations, National Capital Planning Commission, 1325 G Street, NW., Washington, DC 20576, 202 724-0206

RIN: 3125–AA03

[FR Doc. 89-7774 Filed 04-21-89; 8:45 am]

BILLING CODE 7520-01-T

federal register

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April 24, 1989

Part XXXI

National Endowment for the Arts

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE ARTS (NEA)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 U.S.C. 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Frederic R. Kellogg, General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 or call (202) 682-5418.

Peter J. Basso,

Deputy Chairman for Management, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Proposed Rule Stage

3256. COLLECTION OF CLAIMS

Significance: Agency Priority

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Legal Deadline: None

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
NPRM Comment Period End	09/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135–AA01

3257. NONDISCRIMINATION ON THE BASIS OF AGE

Significance: Agency Priority

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Legal Deadline: None

Abstract: This rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are proposed pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period End	11/15/79	
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Frederic R. Kellogg, General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135–AA03

3258. CLAIMS COLLECTION: SALARY OFFSET

Legal Authority: 5 USC 5514; EO 11809 (redesignated EO 12107); 5 CFR 550, Subpart K

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This regulation provides procedures for the collection by administrative offset of a Federal employee's salary without his/her consent to satisfy certain debts owed to the Federal Government. The regulation outlines certain procedural protections that must be accorded to an employee prior to commencing offset.

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Murray R. Welsh, Director, Administrative Services Division, National Endowment for the Arts, 1100 Pennsylvania Ave., NW, Washington, DC 20506, 202 682-5401

RIN: 3135–AA04

[FR Doc. 89-5849 Filed 04-21-89; 8:45 am]

BILLING CODE 7537-01-T

federal register

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Part XXXII

National Endowment for the Humanities

Semiannual Regulatory Agenda

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Unified Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the unified agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulations," dated February 17, 1981, the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506; 202/786-0322.

Lynne V. Cheney,
Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Proposed Rule Stage

3259. ● NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Legal Authority: 42 USC 2000d to 2000d4

CFR Citation: 45 CFR 1110; 45 CFR 1173

Legal Deadline: None

Abstract: This proposed regulation implements Title VI of the Civil Rights Act of 1984, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs and activities, with respect to programs and activities receiving federal financial assistance from the National Endowment for the Humanities.

Programs and activities receiving federal financial assistance from the National Endowment for the Humanities are currently covered by a regulation implementing Title VI that was issued by the National Foundation on the Arts and the Humanities in 1973 (45 CFR 1110). The proposed rule will remove NEH programs from the coverage of the earlier rule and replace it with a new part applicable only to NEH-assisted programs and activities. Programs and activities assisted by the National Endowment for the Arts remain covered under the existing regulation.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	
NPRM Comment Period End	05/15/89	
Final Action	06/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carol Gordon, EEO Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 419, Washington, DC 20506, 202 786-0410

RIN: 3136–AA11

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Final Rule Stage

3260. ● GOVERNMENT REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Legal Authority: PL 100-690, Title V, Subtitle D, Secs 5151 to 5160; EO 12549

CFR Citation: 45 CFR 1169

Legal Deadline: Final, Statutory, February 16, 1989.
Section 5156 of the Drug-Free Workplace Act of 1988 requires agencies to issue regulations 90 days after the Act is signed into law.

Abstract: This rule is for the purpose of implementing the statutory requirements of the Drug-Free Workplace Act of 1988 which requires that recipients of Federal grants certify that they will maintain a drug-free workplace. If the grantee is an individual, certification that his or her conduct under the grant will be drug-free is required. This rule directs that grantees submit certifications and establish sanctions of violation for drug-free workplace requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4964
Interim Final Rule Effective	03/18/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rex O. Arney, General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 530, Washington, DC 20506, 202 786-0322

RIN: 3136–AA12

3261. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541; 31 USC 6301 to 6308; Pres. Memo. for Heads of Exec. Depts & Agencies (Mar. 12, 1987)

CFR Citation: 45 CFR 1174

Legal Deadline: None

Abstract: This action proposes a common rule to be published by various agencies establishing consistency and uniformity in the administration of

NEH **Final Rule Stage**

grants and cooperative agreements to state, local, and federally-recognized Indian tribal governments, as well as institutions of higher education, hospitals, and other nonprofit organizations, and commercial or for profit entities.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44718
NPRM Comment Period End	01/03/89	
Final Action	08/15/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Room 530, Washington, DC 20506, 202 786-0322

RIN: 3136–AA13

[FR Doc. 89-5850 Filed 04-21-89; 8:45 am]
BILLING CODE 7536-01-T

federal register

Monday
April 24, 1989

Part XXXIII

National Science Foundation

Semiannual Regulatory Agenda

NATIONAL SCIENCE FOUNDATION (NSF)

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 89-02, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, DC 20550, (202) 357-9435.

Dated: February 23, 1989.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Final Rule Stage

3262. PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Legal Deadline: None

Abstract: The Bayh-Dole Act (34 USC 200 et seq) was amended by Title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce has prepared a government-wide implementing regulation. The Foundation's Patents regulation (45 CFR 650) conforms to it. Because the revision to the NSF patents regulation will merely echo a government-wide regulation on which the public will have had an opportunity to comment, the Foundation expects that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The notable changes to be made in the revision of the NSF patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9435

RIN: 3145–AA07

NATIONAL SCIENCE FOUNDATION (NSF) — Completed Actions

3263. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NATIONAL SCIENCE FOUNDATION

CFR Citation: 45 CFR 606, (New); 45 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	01/31/89	54 FR 4784
Final Action Effective	04/03/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Brenda Brush 202 357-9819

RIN: 3145–AA05

3264. AMENDMENTS/ADDITIONS TO 45 CFR 670 - CONSERVATION OF ANTARCTIC ANIMALS AND PLANTS ENTITLED "ENFORCEMENT AND HEARING PROCEDURES" (SUBPART K)

Significance: Agency Priority

CFR Citation: 45 CFR 670.50 (New); 45 CFR 670.60 (New)

Completed:

Reason	Date	FR Cite
Final Action	02/16/89	54 FR 7132
Final Action Effective	03/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Andersen 202 357-9435

RIN: 3145–AA12

[FR Doc. 89-5851 Filed 04-21-89; 8:45 am]

BILLING CODE 7555-01-T

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April 24, 1989

Part XXXIV

Office of Management and Budget

Semiannual Regulatory Agenda

OFFICE OF MANAGEMENT AND BUDGET (OMB)

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Circulars and Policy Letters Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB policy guidelines are issued under authority derived from several sources including: Subtitles I, II, and V of Title 31, United States Code, Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not guidelines, but which are of public interest.

OMB Circulars and OFPP Policy Letters are policy guidelines that communicate government-wide policy of a continuing nature. For purposes of this agenda, we have excluded directives that outline procedures to be followed in connection with the President's budget and legislative programs, and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell A. Johnson (202/395-7250) at the above address.

Darrell A. Johnson,

Assistant Director for Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3265	Policies on Government Publications (Circular No. A-3)	0348-AA77
3266	Management of Federal Audiovisual Activities (Circular No. A-114)	0348-AA84
3267	Policies on Management of Federal Information Resources (Circular No. A-130)	0348-AA76

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3268	Writing and Administering Performance Work Statements (Part II of Supplement to Circular No. A-76)	0348-AA34
3269	Enhancing Governmental Productivity Through Competition (Circular No. A-76)	0348-AA45
3270	Prompt Payment (Circular No. A-125)	0348-AA67

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3271	Federal Government User Charges Policy (Circular No. A-25)	0348-AA41
3272	Policy Governing Charges for Rental Quarters and Other Facilities (Circular No. A-45)	0348-AA85
3273	Cost Principles for State and Local Governments (Circular No. A-87)	0348-AA83
3274	Audits of Institutions of Higher Education and Other Nonprofit Organizations (Proposed Circular No. A-133)	0348-AA68
3275	Grants and Cooperative Agreements (OMB Circular No. A-XXX)	0348-AA69
3276	Statistical Policy Directives	0348-AA43
3277	Policy Guidance for Development of Government-Wide Regulations Concerning "Procurement Integrity"	0348-AA87

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3278	Major System Acquisitions (Circular No. A-109)	0348-AA12

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Prerule Stage

3265. POLICIES ON GOVERNMENT PUBLICATIONS (CIRCULAR NO. A-3)

Significance: Agency Priority

Legal Authority: 44 USC 1108

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-3, "Government Publications", last revised in May 1985, prescribes policies and procedures for approving funding for government periodicals to fulfill the requirements of 44 USC 1108, and for reporting periodicals and non-recurring publications. OMB is proposing to incorporate this Circular, with minor revisions, into OMB Circular No. A-130, "Management of Federal Information Resources", and published a proposed revision for comment on January 4, 1989.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advanced Proposal to Replace Circular	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advanced Proposal to Replace Circular	05/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348–AA77

3266. MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: Budget and Accounting Act of 1950

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-114 was issued to produce policies governing the consolidation, use, and management of federal audiovisual resources. OMB is reviewing this Circular pursuant to the Sunset Review Provision of the Circular as revised on March 20, 1985.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/88	
End Review	10/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Donna Fossum, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348–AA84

3267. POLICIES ON MANAGEMENT OF FEDERAL INFORMATION RESOURCES (CIRCULAR NO. A-130)

Significance: Agency Priority

Legal Authority: 44 USC 35; 5 USC 552a; 40 USC 759; 40 USC 487; 31 USC 11

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-130, "Management of Federal Information Resources", issued December 12, 1985, establishes policy for the management of Federal information resources, and provides certain procedural and analytic guidelines for implementing specific aspects of these policies. OMB is reviewing the Circular for consistency with the Computer Security Act of 1987 (PL 100-235). OMB published for comment on January 4, 1989, a proposed further policy on dissemination of information that includes electronic dissemination of information and user charges for government information products.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/88	
Advanced Proposal of Changes to Circular	01/04/89	54 FR 214
Comment Period End	04/10/89	
Second Advanced Proposal of Changes	05/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. Timothy Sprehe, Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, 202 395-4814

RIN: 0348–AA76

OFFICE OF MANAGEMENT AND BUDGET (OMB)

Proposed Rule Stage

3268. WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	05/01/89	
Final Action	08/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David L. Muzio, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of

OMB — **Proposed Rule Stage**

Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348–AA34

3269. ENHANCING GOVERNMENTAL PRODUCTIVITY THROUGH COMPETITION (CIRCULAR NO. A-76)

Legal Authority: 31 USC 501 et seq; 41 USC 401 et seq

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under revision to incorporate changes required by Executive Order No. 12615, and to provide more management flexibility to directly contract certain functions.

Timetable:

Action	Date	FR Cite
Draft for Public Comment	05/01/89	
Final Action	08/01/89	
Final Action Effective	10/01/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: David L. Muzio, Deputy Associate Administrator for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3300**

RIN: 0348–AA45

3270. PROMPT PAYMENT (CIRCULAR NO. A-125)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; 31 USC 3901 et seq; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Office of Management and Budget will propose amendments to Circular No. A-125 to implement changes made by the Prompt Payment Act Amendments of 1988, PL 100-496.

Timetable:

Action	Date	FR Cite
Proposal to Revise Circular	04/15/89	
Comment Period End	06/01/89	
Final Action	07/01/89	
Final Action Effective	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzanne Duval, Management Analyst, Office of Management and Budget, Financial Management Division, Credit and Cash Management Branch, Washington, D.C. 20503, **202 395-6107**

RIN: 0348–AA67

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Final Rule Stage

3271. FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Title V of Independent Offices Appropriations Act of 1952; 31 USC 9701

CFR Citation: None

Legal Deadline: None

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. Public comments have been received on a revised draft of the Circular. They are currently being considered.

Timetable:

Action	Date	FR Cite
Draft Published for Comment	07/01/87	52 FR 24890
Public Comment Period End	08/01/87	
Final Publication	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Joel Friedman, Financial Economist, Office of Management and Budget, Budget Review Division, Fiscal Analysis Branch, Washington, D.C. 20503, **202 395-4574**

RIN: 0348–AA41

3272. POLICY GOVERNING CHARGES FOR RENTAL QUARTERS AND OTHER FACILITIES (CIRCULAR NO. A-45)

Legal Authority: 5 USC 5911 (F); EO 11609 (Section 9)

CFR Citation: None

Legal Deadline: None

Abstract: OMB Circular No. A-45 was issued to provide policy guidance regarding charges for rental quarters and other Government facilities. OMB is reviewing this Circular pursuant to the provisions of paragraph 9 of the Circular, dated March 28, 1984.

Timetable:

Action	Date	FR Cite
Begin Review	07/01/88	
Final Action	06/30/89	
End Review	06/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard A. Ong, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6810**

RIN: 0348–AA85

3273. COST PRINCIPLES FOR STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-87)

Legal Authority: 64 Stat 832

CFR Citation: None

Legal Deadline: None

Abstract: This review will develop proposed changes to update the Circular.

Timetable:

Action	Date	FR Cite
Draft Circular Published for Public Comment	10/14/88	53 FR 40352
Circular to be Issued	07/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, DC 20503, 202 395-3993

RIN: 0348–AA83

3274. AUDITS OF INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT ORGANIZATIONS (PROPOSED CIRCULAR NO. A-133)

Significance: Agency Priority

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The review will develop requirements for "single audit" of universities and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
Published in the Federal Register for Public Comment	11/06/85	50 FR 46244
Publish Revised Proposal for Comment	11/10/88	53 FR 45744
Circular to be Issued	07/01/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Current policy for independent audits of universities is contained in Circular No. A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations". The proposed revision will be merged with current policy for Federal audits of universities contained in Circular No. A-88.

Agency Contact: Jimmie D. Brown, Chief, Financial Systems and Policy Branch, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-6823

RIN: 0348–AA68

3275. GRANTS AND COOPERATIVE AGREEMENTS (OMB CIRCULAR NO. A-XXX)

Significance: Agency Priority

Legal Authority: Budget and Accounting Act of 1921, as amended; Budget and Accounting Procedures Act of 1950, as amended; Reorganization Plan No. 2 of 1970; EO 11541

CFR Citation: None

Legal Deadline: None

Abstract: The proposed circular would replace OMB Circulars No. A-102, "Grants and Cooperative Agreements with State and Local Governments", and No. A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations", to contain guidance to Federal agencies on grants management issues which are internal to the Federal agencies. Simultaneously, the Federal agencies are proposing a common rule, "Uniform Administrative Requirements for Grants and Cooperative Agreements", which contains fiscal and administrative requirements for grantees.

Timetable:

Action	Date	FR Cite
Begin Review	06/15/87	
Invitation for Comments	06/24/87	52 FR 23729
Proposed Circular	11/04/88	53 FR 44710
Final Circular	08/30/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Jonathan D. Breul, Management Analyst, Office of Management and Budget, Financial Management Division, Washington, DC 20503, 202 395-3050

RIN: 0348–AA69

3276. STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: The Directives give general policies for gathering, compiling, analyzing, publishing, and disseminating statistical information by the agencies in the Executive Branch of the Federal Government. A draft Circular was issued for public comment on January 20, 1988. The public comment period was subsequently extended to July 15, 1988. The final Circular is planned for issuance in October 1989.

Timetable:

Action	Date	FR Cite
Draft Circular for Public Comment	01/20/88	53 FR 1542
Final Circular	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Suzann K. Evinger, Statistical Policy Analyst, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, 202 395-3093

RIN: 0348–AA43

3277. ● POLICY GUIDANCE FOR DEVELOPMENT OF GOVERNMENT-WIDE REGULATIONS CONCERNING "PROCUREMENT INTEGRITY"

Significance: Agency Priority

Legal Authority: PL 100-679, Sec 6 OFPP Act Amendments of 1988

CFR Citation: None

Legal Deadline: Final, Statutory, May 17, 1989.
Sec 6(a) provides that regulations and guidelines are required to be issued 180 days after enactment of PL 100-679 (November 17, 1988).

Abstract: Section 6 of PL 100-679 establishes a "Procurement Integrity" requirement applicable to all government contractors having contracts with federal agencies that are subject to the Office of Federal Procurement Policy Act. The Policy and Regulations will cover: Prohibited Conduct by Competing Contractors; Prohibited Conduct by Procurement Officials; Disclosure of Information to Unauthorized Persons; Post-Employment Restrictions on Government Officials; Contractual Penalties; Administrative Actions; Criminal Penalties; and Civil Penalties.

OMB — Final Rule Stage

The statutory provision mandates federal action by requiring implementation in the Federal Acquisition Regulation. No alternative approach is permitted. Potential cost and benefits undetermined.

Timetable:

Action	Date	FR Cite
Final Action Effective	05/16/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Kindred LaBorde, Deputy Associate Administrator, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348–AA87

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Completed Actions

3278. MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: None

Legal Deadline: None

Abstract: Some agencies report difficulty working under the Circular. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of Circular No. A-109.

Timetable:

Action	Date	FR Cite
A review has determined that change is not necessary	02/24/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Cooper, Procurement Analyst, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348–AA12

[FR Doc. 89-8167 Filed 04-21-89; 8:45 am]

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Monday
April 24, 1989

Part XXXV

Office of Personnel Management

Semiannual Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT (OPM)

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for development or review from April 1, 1989, through March 31, 1990. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, (202) 632-0373.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3279	Executive Assignment System	3206-AC03
3280	Suitability -- Suitability Disqualification/Rating Actions	3206-AC19
3281	Personnel Security and Related Programs	3206-AC21
3282	Investigations	3206-AB92

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3283	Organization of the Government for Personnel Management; Personnel Management in Agencies	3206-AA66
3284	Performance Management System	3206-AD22
3285	Employment in the Excepted Service	3206-AD73
3286	Executive and Management Development	3206-AC12
3287	Prevailing Rate Systems	3206-AC82
3288	Prevailing Rate Systems	3206-AD70
3289	Pay Administration (General); Severance Pay	3206-AC41
3290	Pay Administration under the FLSA: Compliance	3206-AA40
3291	Absence and Leave; Coverage of D.C. Government Employees	3206-AC47
3292	Political Activity of Federal Employees	3206-AA47
3293	Corrective Action and Reporting Requirements Relating to Agency Ethics Programs	3206-AD71
3294	Retirement; Credit and Deposits for Military Service	3206-AB73
3295	Retirement; CSRS Offset Service	3206-AD58
3296	Retirement; Disability Retirement	3206-AB77
3297	Retirement; Recovery of Annuity Overpayments	3206-AB78
3298	Retirement; FERS Cost-of-Living Adjustments	3206-AD62
3299	Federal Employees Group Life Insurance	3206-AB80
3300	Additional Optional Life Insurance and Family Optional Life Insurance under the Federal Employees Life Insurance Program (FEGLI)	3206-AD75
3301	Removing Age 36 Barrier for Electing/Adding Option B Life Insurance Coverage and Other Miscellaneous Changes	3206-AD77
3302	Federal Employees Health Benefits Program; Technical Corrections	3206-AB83
3303	Federal Employees Health Benefits Program (FEHBP) Enrollment Process for Federal Employees' Retirement System (FERS) Minimum Retirement Annuity Eligibles	3206-AD53
3304	Miscellaneous Federal Employees Health Benefits Program (FEHBP) Amendments	3206-AD55
3305	Conversion Privilege for Family Members Who Lose Coverage Under the Federal Employees Health Benefits Program (FEHBP)	3206-AD56
3306	Federal Employees Health Benefits Program; Continuation of Enrollment and Discontinued Plan Enrollment Changes	3206-AB88
3307	Federal Employees Health Benefits Program; Temporary Continuation of Coverage	3206-AD66
3308	Modification of Federal Employees Health Benefits Acquisition Regulation (FEHBAR) Provisions and Clauses	3206-AD78
3309	OPM Procurement Regulations	3206-AB28

OPM

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3310	Availability of Official Information	3206-AD05
3311	Employment (General); Employment Practices	3206-AB41
3312	Amendment to Selective Service Registration Requirements	3206-AD68
3313	Employment in the Senior Executive Service	3206-AC81
3314	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA21
3315	Removal from the Senior Executive Service; Guaranteed Placement in Other Personnel Systems	3206-AA23
3316	Training	3206-AD06
3317	Reduction in Grade and Removal Based on Unacceptable Performance	3206-AB21
3318	Pay Under the General Schedule	3206-AD44
3319	Grade and Pay Retention	3206-AD45
3320	Processing Garnishment Orders for Child Support and/or Alimony	3206-AB42
3321	Allowances and Differentials; Cost of Living Allowance and Post Differential--Nonforeign Areas	3206-AB34
3322	Absence and Leave; Voluntary Leave Transfer Program	3206-AD41
3323	Absence and Leave; Voluntary Leave Bank Program	3206-AD69
3324	Executive Personnel Financial Disclosure Requirements	3206-AA93
3325	Post Employment Conflict of Interest; 1988 Designation of Certain Positions and Agencies	3206-AD72
3326	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AB75
3327	Retirement; Implementing Regulations for Civil Service Retirement Spouse Equity Act of 1984	3206-AD48
3328	Retirement; Deposits for Military Service	3206-AB35
3329	Retirement; Crediting Personal Service Contract Service	3206-AD59
3330	Retirement; Federal Employees' Retirement System Act of 1986	3206-AC94
3331	Retirement; Federal Employees' Retirement System Act of 1986	3206-AD65
3332	Retirement; FERS--Annual Pay Computation for Less than Full-Time Employees	3206-AD63
3333	Retirement; Reemployment of Annuitants	3206-AD60
3334	Retirement; FERS Disability Benefits	3206-AD61
3335	Federal Employees' Group Life Insurance; Annual Rates of Pay for Employees Who Work Less Than Full Time	3206-AD50
3336	Federal Employees Health Benefits for Former Spouses of CIA and Foreign Service Employees	3206-AD28
3337	Federal Employees Health Benefits Program/Withdrawal of Carrier and Plan Approval	3206-AD37
3338	Definition of Medicare Eligible Individuals	3206-AD49
3339	Health Insurance Coverage for Certain Temporary Employees	3206-AD79
3340	Federal Employees Health Benefits Program; Reenrollment of Certain Annuitants	3206-AD23
3341	Debarments, Civil Monetary Penalties and Assessments Imposed on Health Care Practitioners and Providers of Services or Supplies for Cited Offenses	3206-AD76
3342	Computer Security Training	3206-AD43
3343	"Adjusted Community Rating" and Price Adjustments for Defective Community Rating under the Federal Employees Health Benefits Program	3206-AD74

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3344	Employment (General); Time-in-Grade Restrictions	3206-AC01
3345	Government Use of Private Sector Temporaries	3206-AD67
3346	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service	3206-AA09
3347	Appointment, Reassignment, Transfer and Reinstatement in the Senior Executive Service (SES Career Appointment by Reinstatement)	3206-AA11
3348	General Recruitment/Placement Principles	3206-AC07
3349	Promotion and Internal Placement	3206-AA90
3350	Medical Qualification Determinations	3206-AA91
3351	Executive and Management Development	3206-AC12
3352	Pay and Performance Under the Senior Executive Service	3206-AB29
3353	Prevailing Rate Systems	3206-AC59
3354	Pay Administration (General); Back Pay	3206-AD39
3355	Pay Administration (General); Overtime Pay Computation	3206-AC98
3356	Pay Administration Under the Fair Labor Standards Act	3206-AD40
3357	Absence and Leave; Restoration of Annual Leave	3206-AD42
3358	Post Employment Conflict of Interest; 1987 Designation of Certain Positions and Agencies	3206-AD04
3359	Retirement; Processing Court Orders for Apportionment of Civil Service Retirement System Annuity and Competing Claims for Survivor Benefits	3206-AC93
3360	Retirement; Court Orders Affecting Retirement	3206-AD64

OPM

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3361	Retirement; Alternative Form of Annuity	3206-AD35
3362	Federal Employees' Group Life Insurance: Premium Reduction for Basic Life Insurance Coverage Continued During Retirement	3206-AD54
3363	Continuation of Health and Life Insurance Coverage During Retirement	3206-AD34
3364	Letter of Credit Access to Federal Employees Health Benefits Program (FEHBP) Carrier Reserves	3206-AD52
3365	Federal Employees Health Benefits Program (FEHBP) Plan Advertising in Violation of FEHBP Contract Provisions	3206-AD36
3366	Letter of Credit Access to Federal Employees Health Benefits Program (FEHBP) Carrier Reserves	3206-AD51

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Prerule Stage

3279. EXECUTIVE ASSIGNMENT SYSTEM

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Legal Deadline: None

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions, and delegations to agencies under the CSRA.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/89	
End Review	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AC03

3280. SUITABILITY – SUITABILITY DISQUALIFICATION/RATING ACTIONS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subparts B and C

Legal Deadline: None

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206–AC19

3281. PERSONNEL SECURITY AND RELATED PROGRAMS

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Legal Deadline: None

Abstract: Comprehensive review of security standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel security standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani, Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4426

RIN: 3206–AC21

3282. INVESTIGATIONS

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 5 CFR 736

Legal Deadline: None

Abstract: Review of Governmentwide background investigations standards. Current revision of personnel security program by Presidential task force will likely result in the need for conforming changes in personnel investigations standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frances A. Sclafani Associate Director, Investigations Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206–AB92

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Proposed Rule Stage

3283. ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Legal Deadline: None

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
NPRM	05/30/89	
Final Action	11/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Bruce Oland**, Chief, Program Development Division, Office of Personnel Management, Agency Compliance and Evaluation, Personnel Systems and Oversight Group, 1900 E St., NW, Washington, DC 20415, **202 632-4468**

RIN: 3206–AA66

3284. PERFORMANCE MANAGEMENT SYSTEM

Significance: Regulatory Program

Legal Authority: 5 USC Ch 43; 5 USC Ch 45; 5 USC Ch 53; 5 USC Ch 54; 5 USC 552; EO 12107; 5 USC 1103; 5 USC 1104; 5 USC 1302; 5 CFR 7.2; EO 9830

CFR Citation: 5 CFR 293; 5 CFR 430

Legal Deadline: None

Abstract: Revises requirements for the Performance Management Systems for General Schedule, Prevailing Rate, and SES employees. Regulations will be streamlined to eliminate impediments to management flexibility while still assuring pay-for-performance systems. The section on filing and transfer of performance records contains a technical change that would bring the Official Personnel Folder (OPF) subpart into conformance with the Employee Performance Folder (EPF) subpart, indicating that performance ratings of record, and the performance plans on which they are based, may be filed in either the OPF or the EPF.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **C. Frank Carrick**, Chief, Performance Management Division, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-7630**

RIN: 3206–AD22

3285. ● EMPLOYMENT IN THE EXCEPTED SERVICE

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 302

Legal Deadline: None

Abstract: Regulations will respond to substantive issues raised during revision of Part 302 in FY 88: (1) distinction between candidates who should receive priority consideration for reemployment and other reemployment candidates (currently all are referred on same list); (2) delegation to agencies of authority to establish alternative ranking plans under 5 CFR 302.105.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Donald L. Holum**, Assistant Director, Office of Staffing Policy and Operations, Office of Personnel Management, Career Entry and Employee Development Group, 1900 E St., NW; Washington, DC 20415, **202 632-6817**

RIN: 3206–AD73

3286. ● EXECUTIVE AND MANAGEMENT DEVELOPMENT

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412

Legal Deadline: None

Abstract: Regulations to reconstruct executive and management development program authority.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Thomas H. Loftis**, Chief, Management and Oversight Division, Office of Personnel Management, Career Entry and Employee Development Group, 1121 Vermont Ave., NW; PO Box 7230, Washington, DC 20044, **202 632-0255**

RIN: 3206–AC12

3287. PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Proposed rule would revise Monroney regulations by removing DOD employees from the employee count in determining whether a dominant industry exists in a wage area. The proposed rule would also limit the use of private sector specialized industry data obtained outside a wage area in setting pay rates for positions in that area.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Allan Summers**, Acting Chief, Wage Systems Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, **202 632-7830**

RIN: 3206–AC82

3288. ● PREVAILING RATE SYSTEMS

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Legal Deadline: None

Abstract: Proposed rule would move material that is of a regulatory nature

from FPM Supplements 532-1 and 532-2 to 5 CFR Part 532.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Summers, Acting Chief, Wage Systems Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-7830

RIN: 3206–AD70

3289. PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Significance: Regulatory Program

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Legal Deadline: None

Abstract: Proposed regulations would make eligibility for involuntary retirement and severance pay parallel, since the same circumstances give rise to both. Proposed regulations also would clarify severance pay coverage for certain employees serving under time-limited appointments and make other changes related to eligibility for severance pay.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206–AC41

3290. PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Legal Authority: 29 USC 204(f); 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Legal Deadline: None

Abstract: Proposed new regulation covering the FLSA Compliance Program and simplifying the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	10/09/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Tapping, Personnel Management Specialist, Office of Personnel Management, Personnel and Systems and Oversight Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, 202 632-4530

RIN: 3206–AA40

3291. ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Legal Deadline: None

Abstract: Current regulations contain obsolete references to certain D.C. government employees who are no longer covered by chapter 63 of title 5 of the United States Code. Regulations would delete these obsolete references.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Frank Derby, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E St., NW; Washington, DC 20415, 202 632-5056

RIN: 3206–AC47

3292. POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Legal Deadline: None

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recision of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: JoAnn Chabot, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 7538, Washington, DC 20415, 202 632-5030

RIN: 3206–AA47

3293. ● CORRECTIVE ACTION AND REPORTING REQUIREMENTS RELATING TO AGENCY ETHICS PROGRAMS

Significance: Regulatory Program

Legal Authority: 5 USC App 402; PL 100-598

CFR Citation: 5 CFR 738; 5 CFR 735

Legal Deadline: None

Abstract: Proposed new regulation to implement portions of 5 CFR Part 738 by adding new Subpart D - Correction of Agency Programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Analyze Comments	05/15/89	
Final Action	08/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Leslie Wilcox, Staff Attorney, Office of Personnel Management, Office of Government Ethics, PO Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206–AD71

3294. RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Legal Deadline: None

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4682

RIN: 3206–AB73

3295. RETIREMENT; CSRS OFFSET SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart J

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provided that certain employees would continue to be covered by both the Civil Service Retirement System and social security. Their CSRS deductions are offset by social security taxes (FICA), and, when they retire, their CSRS benefits are offset by the value of this service in their social security benefits. The regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gay Gardner, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD58

3296. RETIREMENT; DISABILITY RETIREMENT

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Legal Deadline: None

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gay Gardner, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206–AB77

3297. RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart M

Legal Deadline: None

Abstract: Proposed regulations to add further guidelines on debt collection activities under the Debt Collection Act of 1982. Current regulations need to be expanded to (1) exclude collections made by Treasury under 31 CFR 210.10 from OPM procedures for recovery of debts, and (2) add provisions for collecting debts due the Civil Service Retirement Fund from a deceased debtor.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., N.W.; Washington, D.C. 20415, 202 632-4682

RIN: 3206–AB78

3298. RETIREMENT; FERS COST-OF-LIVING ADJUSTMENTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart G

Legal Deadline: None

Abstract: The Federal Employees' Retirement System Act of 1986 provides basic rules for adding cost-of-living adjustment (COLA's) to annuities of FERS retirees and their survivors. These regulations implement and clarify these provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD62

3299. FEDERAL EMPLOYEES GROUP LIFE INSURANCE

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bonnie Rose, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and

Insurance Group, 1900 E St., NW; Washington, D.C. 20415, 202 632-4634

RIN: 3206–AB80

3300. ● ADDITIONAL OPTIONAL LIFE INSURANCE AND FAMILY OPTIONAL LIFE INSURANCE UNDER THE FEDERAL EMPLOYEES LIFE INSURANCE PROGRAM (FEGLI)

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 872; 5 CFR 873

Legal Deadline: None

Abstract: Regulations to eliminate certain restrictions to obtaining additional optional life insurance and family optional life insurance under the FEGLI Program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry Schleicher or Bill Smith, Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD75

3301. ● REMOVING AGE 36 BARRIER FOR ELECTING/ADDING OPTION B LIFE INSURANCE COVERAGE AND OTHER MISCELLANEOUS CHANGES

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 872; 5 CFR 873

Legal Deadline: None

Abstract: Regulations to (1) eliminate requirement to be under age 36 in order to cancel a declination of additional optional life insurance, (2) clarify payment of family life insurance proceeds when covered family member dies within 31 days of death of employee, and (3) eliminate requirement to be in a pay and duty status for the cancellation of a declination of family insurance to become effective.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD77

3302. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TECHNICAL CORRECTIONS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AB83

3303. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) ENROLLMENT PROCESS FOR FEDERAL EMPLOYEES' RETIREMENT SYSTEM (FERS) MINIMUM RETIREMENT ANNUITY ELIGIBLES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify FEHBP enrollment process and "immediate annuity" for individuals eligible for FERS Minimum Retirement Annuity.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD53

3304. MISCELLANEOUS FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) AMENDMENTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to establish earlier effective date of coverage for former spouses; to clarify the treatment of former spouse health benefits if former spouse is or becomes a Federal employee or is covered under the Federal enrollment of another; and to clarify the current provision on continued coverage while confined in a hospital at the time of change of plan.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD55

3305. CONVERSION PRIVILEGE FOR FAMILY MEMBERS WHO LOSE COVERAGE UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP)

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify current practice giving conversion privilege to family members who lose coverage under the FEHBP when an employee or annuitant changes from family to self only enrollment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	08/00/89	

OPM — **Proposed Rule Stage**

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD56

3306. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT AND DISCONTINUED PLAN ENROLLMENT CHANGES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Regulations to reflect established OPM practice of (1) allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases; and (2) setting an alternative time and effective date for a change of enrollment when a one-option health benefits plan is discontinued at the end of the contract period.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AB88

3307. ● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TEMPORARY CONTINUATION OF COVERAGE

Significance: Regulatory Program

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart K

Legal Deadline: Final, Statutory, January 1, 1990.

Abstract: Regulations to permit temporary continuation of health benefits coverage for certain employees, children, and former spouses who would otherwise lose coverage due to loss of covered appointment, loss of status as unmarried dependent child, or dissolution of marriage.

Timetable:

Action	Date	FR Cite
NPRM	05/26/89	
Final Action	11/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD66

3308. ● MODIFICATION OF FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION (FEHBAR) PROVISIONS AND CLAUSES

Legal Authority: 5 USC 8913; 40 USC 486(c)

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: Proposed regulations to improve OPM's administration of the Federal Employees Health Benefits Program (FEHBP).

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD78

3309. OPM PROCUREMENT REGULATIONS

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Legal Deadline: None

Abstract: Regulations to implement and supplement the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Alfred F. Chatterton III, Acting Chief, Acquisition Division, Office of Personnel Management, Administration Group, 1900 E Street, NW, Washington, DC 20415, 202 632-5476

RIN: 3206–AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Final Rule Stage

3310. AVAILABILITY OF OFFICIAL INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 5 CFR 294

Legal Deadline: None

Abstract: Revisions in response to (a) comments received on interim final rule; (b) fee waiver policy guidance from the Department of Justice; (c) the requirements of E.O. 12600 regarding confidential commercial information.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/22/87	52 FR 13215
Final Action	04/00/89	

Small Entities Affected: None

OPM **Final Rule Stage**

Government Levels Affected: None

Agency Contact: C. Ronald Trueworthy, Chief, Reports and Forms Management Branch, Office of Information Management, Office of Personnel Management, Administration Group, 1900 E Street, NW; Room 6410, Washington, DC 20415, 202 632-0261

RIN: 3206–AD05

3311. EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
EEOC Coordination	04/01/88	
NPRM	06/20/88	53 FR 23123
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James S. Green, Associate General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-5087

RIN: 3206–AB41

3312. ● AMENDMENT TO SELECTIVE SERVICE REGISTRATION REQUIREMENTS

Legal Authority: 5 USC 3328

CFR Citation: 5 CFR 300, Subpart G

Legal Deadline: None

Abstract: We will issue a final rule delegating authority to agencies to determine whether a Federal job applicant's failure to register with the Selective Service System was knowing and willful. This change was authorized by an amendment to 5 USC 3328 which imposes the selective service registration requirement as a condition of employment in Federal executive agencies. The delegation will permit faster decisions for interested job seekers and reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	04/29/88	53 FR 15400
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O'Connor, Personnel Staffing Specialist, Office of Personnel Management, Career Entry and Employee Development Group, Staffing Policy Division, 1900 E St., NW; Washington, DC 20415, 202 653-9407

RIN: 3206–AD68

3313. EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE

Significance: Regulatory Program

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397; 5 USC 1302; 5 USC 3595; 5 USC 3596; 5 USC 5383; 5 USC 5385; 5 USC 7543

CFR Citation: 5 CFR 317; 5 CFR 359; 5 CFR 430; 5 CFR 534; 5 CFR 752

Legal Deadline: None

Abstract: This is a Regulatory Program entry that combines RINs 3206-AA09, 3206-AA21, 3206-AA23, 3206-AB29, and 3206-AA50.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
Interim Final Rule	12/05/80	45 FR 80468
NPRM	07/22/88	53 FR 27695
NPRM	08/08/88	53 FR 29685
NPRM	08/10/88	53 FR 30061
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kirke Harper, Director, Office of Executive Personnel, Office of Executive Administration, Office of Personnel Management, 1900 E St., N.W., Washington, DC 20415, 202 632-4486

RIN: 3206–AC81

3314. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 1302; 5 USC 3594; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None

Abstract: Regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing previous law and the new Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
NPRM	08/10/88	53 FR 30061
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Program RIN 3206-AC81 combines this item with RINs 3206-AA09, 3206-AA23, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AA21

3315. REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Legal Authority: 5 USC 3595; 5 USC 3596

CFR Citation: 5 CFR 359

Legal Deadline: None

Abstract: Regulations to add a new subpart to implement Pub. L. 97-35,

OPM

Final Rule Stage

August 13, 1981, as amended by Pub.L. 97-346, October 15, 1982, and Pub. L. 98-615, November 8, 1984, which added provisions to Title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force and with "fallback" rights following a RIF.

Timetable:

Action	Date	FR Cite
NPRM	08/10/88	53 FR 30061
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regulatory Program RIN 3206-AC61 combines this item with RINs 3206-AA09, 3206-AA21, 3206-AB29, and 3206-AA50.

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Executive Personnel, Office of Executive Administration, 1900 E St., NW; Washington, DC 20415, 202 632-4486

RIN: 3206–AA23

3316. TRAINING

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Legal Deadline: None

Abstract: Revision of training regulations to remove obsolete or unessential reporting requirements and remove or modify any other outmoded regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/10/89	54 FR 822
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas Loftis, Chief, Management and Oversight Division, Office of Personnel Management, Career Entry and Employee Development Group, 1121 Vermont Avenue, NW; P.O. Box 7238, Washington, DC 20044, 202 632-0255

RIN: 3206–AD06

3317. REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Legal Authority: 5 USC 4303; 5 USC 4305

CFR Citation: 5 CFR 432

Legal Deadline: None

Abstract: Regulations would clarify the procedures agencies must follow in removing or reducing in-grade employees whose performance is unacceptable. These changes are necessary due to changing legal requirements brought about by court decisions and OPM interpretations of 5 U.S.C. chapter 43 requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/04/88	53 FR 38954
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tim Dirks, Chief, Employee Relations Division, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, 202 653-8551

RIN: 3206–AB21

3318. PAY UNDER THE GENERAL SCHEDULE

Legal Authority: 5 USC 5334(a); 5 USC 5338

CFR Citation: 5 CFR 531

Legal Deadline: None

Abstract: Under current regulations, Federal agencies must request prior OPM approval to use a special rate as an employee's "highest previous rate" upon reassignment to another position. The proposed regulations would revise the "highest previous rate" provisions of the regulations to remove this requirement and to clarify an agency's authority to establish an employee's rate of basic pay upon promotion, demotion, reassignment, transfer, reemployment, or change in type of appointment.

Timetable:

Action	Date	FR Cite
NPRM	03/31/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Gatewood, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD44

3319. GRADE AND PAY RETENTION

Legal Authority: 5 USC 5365

CFR Citation: 5 CFR 536

Legal Deadline: None

Abstract: Proposed regulations would provide for the application of current pay retention rules when a Federal prevailing rate (wage) schedule is reduced as a result of a decline in the local private sector economy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/88	53 FR 49545
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance, Personnel Systems and Oversight Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5056

RIN: 3206–AD45

3320. ● PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Legal Authority: 42 USC 659; 42 USC 661; 42 USC 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Legal Deadline: None

Abstract: Update regulation in response to ongoing suggestions and corrections, especially changes to Appendix A which contains an obsolete list of agents designated to accept legal process.

OPM **Final Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/28/86	51 FR 15787
NPRM	09/06/88	53 FR 34305
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Murray Meeker, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW; Room 7544, Washington, DC 20415, **202 632-5090**

RIN: 3206–AB42

3321. ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL–NONFOREIGN AREAS

Significance: Regulatory Program

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Legal Deadline: None

Abstract: Current regulations need to be revised to bring the allowance-setting program into conformity with APA requirements, and to establish a methodology for measuring living costs and setting allowance rates that will fulfill the requirements of law and Executive order.

Timetable:

Action	Date	FR Cite
NPRM	10/21/85	50 FR 42531
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Hearne, Pay Specialist, Office of Pay and Performance, Office of Personnel Management, Personnel Systems and Oversight Group, 1900 E Street, NW, Washington, DC 20415, **202 632-7184**

RIN: 3206–AB34

3322. ABSENCE AND LEAVE; VOLUNTARY LEAVE TRANSFER PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 6311; 5 USC 6332; PL 100-202; PL 100-284; PL 100-440; PL 100-566

CFR Citation: 5 CFR 630

Legal Deadline: Final, Statutory, January 31, 1989.

Abstract: Public Law 100-202 authorized the Office of Personnel Management to establish a program under which Federal employees may transfer annual leave to other employees who need such leave because of a "personal emergency." Interim regulations issued in 1988 established administrative procedures for Federal agencies to permit the transfer of annual leave for this purpose. The statutory authority for this program has been extended through FY 89. In addition, Public Law 100-566 authorized a 5-year experimental voluntary leave transfer program, which will expire on October 31, 1993. Regulations to implement the new program by Public Law 100-566 will supersede previous regulations governing this program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/08/88	53 FR 7325
Interim Final Rule	04/26/88	53 FR 14775
Interim Final Rule	11/15/88	53 FR 45886
Interim Final Rule	01/31/89	54 FR 4749
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Regarding the interim rules published 3/8/88, 4/26/88, and 11/15/88: The initial program will be phased-out as agencies implement the new program, and these regulations will not be published as final actions. Regarding the interim rule published January 31, 1989: These regulations implement the new program, and will be followed by a final action.

Agency Contact: Martha Hoehn, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Performance Management, Personnel Systems and Oversight Group, 1900 E St., NW., Washington, DC 20415, **202 632-5056**

RIN: 3206–AD41

3323. ● ABSENCE AND LEAVE; VOLUNTARY LEAVE BANK PROGRAM

Significance: Regulatory Program

Legal Authority: 5 USC 6362; PL 100-566

CFR Citation: 5 CFR 630

Legal Deadline: Final, Statutory, April 30, 1989.

Abstract: Public Law 100-566 authorizes the Office of Personnel Management to establish a 5-year experimental voluntary leave bank program to be implemented in at least 3 executive agencies. Under the voluntary leave bank program, employees can donate annual leave to a common leave fund within each agency, and then can apply to withdraw leave from the fund if they encounter a medical emergency. The regulations will establish the administrative procedures for participating agencies to permit the contribution and use of annual leave for this purpose. The statutory authority for this program expires on October 31, 1993. Further action is dependent upon whether continuing or permanent authorization is enacted.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This item is combined in the Regulatory Program with the Leave Transfer regulations (under RIN 3206-AD41).

Agency Contact: Martha Hoehn, Pay and Benefits Specialist, Office of Personnel Management, Personnel Systems and Oversight Group, Office of Pay and Performance Management, 1900 E St., NW; Washington, DC 20415, **202 632-5056**

RIN: 3206–AD69

3324. EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Significance: Regulatory Program

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 735

Legal Deadline: None

Abstract: Final regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
NPRM	12/02/86	51 FR 43359
Analyze comments	02/15/89	
Final Action	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Gressman, Staff Attorney, Office of Government Ethics, Office of Personnel Management, P.O. Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206–AA93

3325. ● POST EMPLOYMENT CONFLICT OF INTEREST; 1988 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Legal Deadline: None

Abstract: Final regulation to meet the annual requirement to designate senior employees (for CY 1988) who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	11/05/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Melanie Dorsey, Staff Attorney, Office of Personnel Management, Office of Government Ethics, PO Box 14108, Washington, DC 20044, 202 632-7642

RIN: 3206–AD72

3326. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, and T

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule -- Revised	09/08/86	51 FR 31927
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Retirement and Insurance Group, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-4682

RIN: 3206–AB75

3327. RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF L984

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subpart Q

Legal Deadline: None

Abstract: The Civil Service Retirement Spouse Equity Act of l984 includes provisions for new benefits available to former spouses of deceased Federal employees and provisions governing survivor benefits for current spouses. These regulations are necessary to implement the Act and provide procedures when there are competing claims from applicants for survivor benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/13/85	50 FR 20064
Interim Final Rule	09/08/86	51 FR 31927
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Retirement and Insurance Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4682

RIN: 3206–AD48

3328. RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Legal Deadline: None

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Rochester, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4682

RIN: 3206–AB35

3329. RETIREMENT; CREDITING PERSONAL SERVICE CONTRACT SERVICE

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831; 5 CFR 842

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, provides qualifying employees and annuitants with an opportunity to credit certain service performed under the auspices of a personal services contract with a Federal agency. These regulations will implement this provision of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/25/88	53 FR 42934
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD59

OPM **Final Rule Stage**

3330. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347; 5 USC 8461

CFR Citation: 5 CFR 842; 5 CFR 846

Legal Deadline: None
New system took effect January 1, 1987.

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System, alternative annuities for FERS retirees under section 6001 of Public Law 100-203, and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/86	51 FR 47185
Interim Final Rule	01/16/87	52 FR 2056
Interim Final Rule	02/11/87	52 FR 4472
Final Action	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-5560

RIN: 3206–AC94

3331. RETIREMENT; FEDERAL EMPLOYEES' RETIREMENT SYSTEM ACT OF 1986

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 841

Legal Deadline: None

Abstract: Final regulations to implement the statutory provision for a new Federal Employees' Retirement System and conforming changes to the current Civil Service Retirement System.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/87	52 FR 4472
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-5560

RIN: 3206–AD65

3332. RETIREMENT; FERS--ANNUAL PAY COMPUTATION FOR LESS THAN FULL-TIME EMPLOYEES

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841; 5 CFR 843

Legal Deadline: None

Abstract: These regulations provide a methodology for computing the amount of the basic employee death benefit under the Federal Employees' Retirement System (FERS) Act of 1986 for employees whose tour of duty is less than full time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/88	53 FR 16535
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD63

3333. RETIREMENT; REEMPLOYMENT OF ANNUITANTS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 841, Subpart K; 5 CFR 846

Legal Deadline: None

Abstract: Public Law 100-238, enacted January 8, 1988, amended the Federal Employees' Retirement System Act provisions concerning reemployment of FERS annuitants and CSRS annuitants who transfer to FERS. These regulations implement this provision of law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Eugene R. Littleford, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4682

RIN: 3206–AD60

3334. RETIREMENT; FERS DISABILITY BENEFITS

Legal Authority: 5 USC 8461

CFR Citation: 5 CFR 844

Legal Deadline: None

Abstract: These regulations implement Subchapter V of chapter 84, the Federal Employees' Retirement System Act disability provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/88	53 FR 33433
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gay Gardner, Paralegal Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20425, 202 632-4682

RIN: 3206–AD61

3335. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE; ANNUAL RATES OF PAY FOR EMPLOYEES WHO WORK LESS THAN FULL TIME

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870, Subpart C

Legal Deadline: None

Abstract: Regulations to establish a new method of arriving at annual rates of pay for life insurance purposes for employees on less than full-time schedules.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	53 FR 40232
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and

Insurance Policy, Retirement and Insurance Group, 1900 E Street, NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD50

3336. FEDERAL EMPLOYEES HEALTH BENEFITS FOR FORMER SPOUSES OF CIA AND FOREIGN SERVICE EMPLOYEES

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to implement Sections 302 and 303 of the Intelligence Authorization Act of 1986 and Sections 831 and 832 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, by describing the conditions under which certain former spouses of Central Intelligence Agency and Foreign Service employees, and former spouses of former employees of those agencies, previously omitted from spouse equity legislation may enroll in the Federal Employees Health Benefits (FEHB) Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/08/88	53 FR 45069
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD28

3337. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM/WITHDRAWAL OF CARRIER AND PLAN APPROVAL

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to clarify OPM's minimum standards for a health plan's or carrier's participation in FEHB and OPM's right to withdraw approval, with due process.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7039
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD37

3338. DEFINITION OF MEDICARE ELIGIBLE INDIVIDUALS

Legal Authority: PL 100-360

CFR Citation: 5 CFR 890

Legal Deadline: None

Abstract: Regulations to define "Medicare eligible individual" for purposes of implementation of Section 422, Rate Reduction for Medicare Eligible Federal Annuitants, of P.L. 100-360, the Medicare Catastrophic Coverage Act of 1988. The effective date is January 1, 1989.

Timetable:

Action	Date	FR Cite
NPRM	10/14/88	53 FR 40203
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret C. Randall, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E Street NW., Washington, DC 20415, 202 632-4634

RIN: 3206–AD49

3339. ● HEALTH INSURANCE COVERAGE FOR CERTAIN TEMPORARY EMPLOYEES

Significance: Regulatory Program

Legal Authority: PL 100-654

CFR Citation: 5 CFR 890

Legal Deadline: Final, Statutory, March 14, 1989.

Abstract: Regulation to implement Title III of the Federal Employees Health Benefits (FEHB) Amendments Act of 1988 (Pub. L. 100-654) giving certain temporary employees, who were previously excluded, the opportunity to participate in the FEHB Program. The effective date is March 14, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret C. Randall, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD79

3340. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REENROLLMENT OF CERTAIN ANNUITANTS

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Legal Deadline: None

Abstract: Regulations to permit reenrollment of annuitants who cancelled FEHB enrollment to enroll in a Health Maintenance Organization or Competitive Medical Plan under a Medicare risk contract and need to return to FEHB coverage.

Timetable:

Action	Date	FR Cite
NPRM	08/03/88	53 FR 29686
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith, Pay and Benefits Specialist, Office of Personnel Management, Office of Retirement and Insurance Policy, Retirement and Insurance Group, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD23

3341. ● DEBARMENTS, CIVIL MONETARY PENALTIES AND ASSESSMENTS IMPOSED ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF SERVICES OR SUPPLIES FOR CITED OFFENSES

Significance: Regulatory Program

OPM — Final Rule Stage

Legal Authority: 5 USC 8913; PL 100-654

CFR Citation: 5 CFR 890, Subpart J

Legal Deadline: None

Abstract: Regulations to implement title I of Public Law 100-654, the "Federal Employees Health Benefits Amendments Act of 1988." Title I of Pub. L. 100-654 permits OPM to exclude from further participation in the FEHB Program any health care provider (1) convicted of fraud or various other cited examples of unethical professional conduct, or (2) determined by OPM to have committed various cited offenses against the FEHB Program. The above cited debarment authority is for an offense committed on or after January 1, 1989.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Ray, Pay and Benefits Specialist, Office of Personnel Management, Retirement and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD76

3342. COMPUTER SECURITY TRAINING

Legal Authority: PL 100-235

CFR Citation: 5 CFR 930, Subpart C

Legal Deadline: Final, Statutory, July 10, 1988.

Abstract: Regulations for government-wide training requirement in computer security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/13/88	53 FR 26562
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas H. Loftis, Chief, Management and Oversight Division, Career Entry and Employee Development Group, Office of Personnel Management, 1121 Vermont Ave., NW., P.O. Box 7230, Washington, DC 20044, 202 632-0255

RIN: 3206–AD43

3343. ● "ADJUSTED COMMUNITY RATING" AND PRICE ADJUSTMENTS FOR DEFECTIVE COMMUNITY RATING UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Legal Authority: 5 USC 8913

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: Regulations to clarify (1) under what circumstances an "adjusted community rate" will be accepted under the FEHB Program, and (2) how defective community rates will be resolved following audit/discovery.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/89	
Final Action	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Terry Schleicher or John Ray, Benefits Specialist, Office of Personnel Management, Retiremnt and Insurance Group, Office of Retirement and Insurance Policy, 1900 E St., NW; Washington, DC 20415, 202 632-4634

RIN: 3206–AD74

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Completed Actions

3344. EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

CFR Citation: 5 CFR 300, Subpart F

Completed:

Reason	Date	FR Cite
Withdrawn	01/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206–AC01

3345. ● GOVERNMENT USE OF PRIVATE SECTOR TEMPORARIES

Legal Authority: 5 USC 552; 5 USC 1103 (a)(5); 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 300

Legal Deadline: None

Abstract: We will issue a final rule establishing criteria and conditions under which agencies may consider using temporary help service firms for meeting short term temporary work needs. The rule responds to agencies' requests for flexibility to provide public services and to maintain productivity. As a result of this rule, agencies will have an optional, additional tool for meeting short term needs which has long been available to other public and private organizations.

Timetable:

Action	Date	FR Cite
NPRM	10/17/88	53 FR 40546
Final Action	01/25/89	54 FR 3762
Final Action Effective	02/24/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas O'Connor, Personnel Staffing Specialist, Office of Personnel Management, Staffing Policy Division, Career Entry and Employee Development Group, 1900 E St., NW; Washington, DC 20415, 202 653-9407

RIN: 3206–AD67

3346. APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

CFR Citation: 5 CFR 317

Completed:

Reason	Date	FR Cite
Final Action	03/08/89	54 FR 9755
Final Action Effective	04/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood 202 632-4486

RIN: 3206–AA09

3347. APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE (SES CAREER APPOINTMENT BY REINSTATEMENT)

CFR Citation: 5 CFR 317, Subpart G

Completed:

Reason	Date	FR Cite
Final Action	03/08/89	54 FR 9755
Final Action Effective	04/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood 202 632-4486

RIN: 3206–AA11

3348. GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

CFR Citation: 5 CFR 330; 5 CFR 351

Completed:

Reason	Date	FR Cite
Final Action	11/08/88	53 FR 45065
Final Action Effective	12/08/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donald L. Holum 202 632-6817

RIN: 3206–AC07

3349. PROMOTION AND INTERNAL PLACEMENT

Significance: Regulatory Program

CFR Citation: 5 CFR 335

Completed:

Reason	Date	FR Cite
Withdrawn	01/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raleigh M. Neville 202 632-6817

RIN: 3206–AA90

3350. MEDICAL QUALIFICATION DETERMINATIONS

CFR Citation: 5 CFR 339

Completed:

Reason	Date	FR Cite
Final Action	03/08/89	54 FR 9761
Final Action Effective	04/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raleigh Neville 202 632-6817

RIN: 3206–AA91

3351. EXECUTIVE AND MANAGEMENT DEVELOPMENT

CFR Citation: 5 CFR 412, Subparts A and E

Completed:

Reason	Date	FR Cite
End Review	01/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold Segal 202 632-5574

RIN: 3206–AC12

3352. PAY AND PERFORMANCE UNDER THE SENIOR EXECUTIVE SERVICE

CFR Citation: 5 CFR 430, Subpart C; 5 CFR 534, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	01/23/89	54 FR 2985
Final Action Effective	02/22/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Neal Harwood 202 632-4486

RIN: 3206–AB29

3353. PREVAILING RATE SYSTEMS

CFR Citation: 5 CFR 532

Completed:

Reason	Date	FR Cite
Withdrawn - Incorporated into broadened and revised RIN 3206-AC82.	01/18/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jack Pokoyk 202 632-7830

RIN: 3206–AC59

3354. PAY ADMINISTRATION (GENERAL); BACK PAY

Significance: Regulatory Program

CFR Citation: 5 CFR 550

Completed:

Reason	Date	FR Cite
Final Action	11/15/88	53 FR 45885
Final Action Effective	12/15/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Cahill 202 632-5056

RIN: 3206–AD39

3355. PAY ADMINISTRATION (GENERAL); OVERTIME PAY COMPUTATION

CFR Citation: 5 CFR 550, Subpart A

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/89	54 FR 5494

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Edward I. Magee 202 632-5056

RIN: 3206–AC98

3356. PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT

CFR Citation: 5 CFR 551

Completed:

Reason	Date	FR Cite
Final Action	07/19/88	53 FR 27147
Final Action Effective	08/18/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Matteson 202 632-5056

RIN: 3206–AD40

3357. ABSENCE AND LEAVE; RESTORATION OF ANNUAL LEAVE

CFR Citation: 5 CFR 630

Completed:

Reason	Date	FR Cite
Final Action	10/25/88	53 FR 42933
Final Action Effective	11/25/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James E. Matteson 202 632-5056

RIN: 3206–AD42

3358. POST EMPLOYMENT CONFLICT OF INTEREST; 1987 DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

CFR Citation: 5 CFR 737

Completed:

Reason	Date	FR Cite
Final Action	12/02/88	53 FR 48756
Final Action Effective	12/02/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Bovard/Bob Flynn 202 632-7642

RIN: 3206–AD04

3359. RETIREMENT; PROCESSING COURT ORDERS FOR APPORTIONMENT OF CIVIL SERVICE RETIREMENT SYSTEM ANNUITY AND COMPETING CLAIMS FOR SURVIVOR BENEFITS

CFR Citation: 5 CFR 831, Subparts A and Q

Completed:

Reason	Date	FR Cite
Withdrawn - Combined with RIN 3206-AB75.	01/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia A. Rochester 202 632-4682

RIN: 3206–AC93

3360. RETIREMENT; COURT ORDERS AFFECTING RETIREMENT

CFR Citation: 5 CFR 831; 5 CFR 841

Completed:

Reason	Date	FR Cite
Final Action	12/05/88	53 FR 48895
Final Action Effective	01/04/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Siegelman 202 632-4682

RIN: 3206–AD64

3361. RETIREMENT; ALTERNATIVE FORM OF ANNUITY

CFR Citation: 5 CFR 831

Completed:

Reason	Date	FR Cite
Final Action	03/10/89	54 FR 10135
Final Action Effective	04/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert M. Rosenblatt 202 632-4682

RIN: 3206–AD35

3362. FEDERAL EMPLOYEES' GROUP LIFE INSURANCE: PREMIUM REDUCTION FOR BASIC LIFE INSURANCE COVERAGE CONTINUED DURING RETIREMENT

CFR Citation: 5 CFR 870, Subpart D

Completed:

Reason	Date	FR Cite
Final Action	10/18/88	53 FR 40715
Final Action Effective	12/01/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith 202 632-4634

RIN: 3206–AD54

3363. CONTINUATION OF HEALTH AND LIFE INSURANCE COVERAGE DURING RETIREMENT

CFR Citation: 5 CFR 870; 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	10/18/88	53 FR 40715
Final Action Effective	11/17/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Bill Smith 202 632-4634

RIN: 3206–AD34

3364. LETTER OF CREDIT ACCESS TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) CARRIER RESERVES

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	12/23/88	53 FR 51741
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206–AD52

3365. FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) PLAN ADVERTISING IN VIOLATION OF FEHBP CONTRACT PROVISIONS

CFR Citation: 48 CFR Ch 16

Completed:

Reason	Date	FR Cite
Withdrawn - Incorporated into RIN 3206-AD78.	01/31/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206–AD36

3366. LETTER OF CREDIT ACCESS TO FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHBP) CARRIER RESERVES

CFR Citation: 48 CFR 16

OPM **Completed Actions**

Completed:

Reason	Date	FR Cite
Final Action	12/23/88	53 FR 51781
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Mercer 202 632-4634

RIN: 3206–AD51

[FR Doc. 89-5852 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XXXVI

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA CANAL COMMISSION (PANAMA)

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, 2000 L Street, NW., Suite 550, Washington, DC 20036-4996, (202) 634-6441 TDD; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011-5000.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* require that executive agencies publish in the Federal Register a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 89-02.

Dated: February 23, 1989.

Michael Rhode, Jr.,

Assistant to the Chairman and Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Prerule Stage

3367. TOLLS FOR USE OF CANAL

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 133, (Revision)

Legal Deadline: None

Abstract: Due to operating cost increases, including inflation, since the last toll rate increase (March 1983), the Panama Canal Commission is currently considering increasing the rates of tolls charged vessels transiting the Canal. An increase will be proposed effective in FY 1990 to achieve the Commission's regulatory requirement to recover from users all costs of operating and maintaining the waterway.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW, Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA04

3368. TOLLS FOR USE OF CANAL RULES FOR MEASUREMENT OF VESSELS

Significance: Agency Priority

Legal Authority: PL 96-70, Sec 1601

CFR Citation: 35 CFR 133.32; 35 CFR 133.34; 35 CFR 135.285(a); 35 CFR 135.352

Legal Deadline: None

Abstract: The proposed changes correct authority to issue Panama Canal Tonnage Certificate (no financial impact); eliminate the "125 percent of engine room as measured" limitation for ballast rate (negligible negative impact on canal revenues); increase size limitation on manholes to water ballast spaces from 30 to 34 inch diameter, to align our rules with I.M.O.'s (small negative impact on canal revenues); allow deductible items located in the engine room to be deducted as part of engine room rather than separately, to streamline the method by which propulsion power deduction is determined (negligible impact on canal revenues).

These changes will not impact on most vessels already measured for Panama Canal tonnages. Vessels that qualify for increased deductions may choose to be remeasured.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, 2000 L Street NW, Suite 550, Washington, DC 20036-4996, 202 634-6441

RIN: 3207–AA17

3369. INSPECTION AND REGISTRATION OF VESSELS

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215; 44 USC 3501

CFR Citation: 35 CFR 121.2, (Revision); 35 CFR 121.3, (Revision); 35 CFR 121.41, (Revision); 35 CFR 121.43, (Revision); 35 CFR 121.45, (Revision); 35 CFR 121.47, (Revision); 35 CFR 121.58(a)(b), (Revision); 35 CFR 121.63, (Revision); 35 CFR 121.65(a)(b), (Revision); 35 CFR 121.66, (Revision); 35 CFR 121.67, (Revision); 35 CFR 121.68, (Revision); 35 CFR 121.69, (Revision); 35 CFR 121.70, (Revision); 35 CFR 121.71, (Revision); ...

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to make procedural changes to bring its regulations into conformity with internal reorganization which changed units responsible for inspection and registration of vessels and to bring vessel equipment requirements into compliance with International Regulations for Preventing Collisions at Sea, 1972.

PANAMA

Prerule Stage

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Capt. William V. Clark, II, Assistant to Marine Director, (Marine Safety), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA18

3370. DANGEROUS CARGOES RADIO COMMUNICATION

Significance: Agency Priority

Legal Authority: 22 USC 3811; EO 12215

CFR Citation: 35 CFR 113.3(a), (Revision); 35 CFR 113.4(a), (Revision); 35 CFR 113.5, (Revision); 35 CFR 113.21, (Revision); 35 CFR 113.22, (Revision); 35 CFR 113.26(a), (Revision); 35 CFR 113.29(b), (Revision); 35 CFR 113.29(c), (Revision); 35 CFR 113.42, (Revision); 35 CFR 113.43(c), (Revision); 35 CFR 113.45, (Revision); 35 CFR 113.49(b)(c), (Revision); 35 CFR 113.50(c)(e)(1)(2), (Revision); 35 CFR 123.4(a), (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend its regulations to make minor technical changes and clarifications.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William V. Clark II, Assistant to Marine Director, (Marine Safety), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA19

3371. ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

Significance: Agency Priority

Legal Authority: 22 USC 3811

CFR Citation: 35 CFR 101.10(e), (Revision); 35 CFR 101.10(f), (Revision)

Legal Deadline: None

Abstract: The purpose of the proposed changes is to make minor technical corrections by requiring that cargo manifests and loading plans show international Maritime Organization Division in addition to class.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Capt. William V. Clark II, Assistant to Marine Director, (Marine Safety), Panama Canal Commission, Marine Bureau, APO Miami, FL 34011-5000, 202 634-6441

RIN: 3207–AA20

PANAMA CANAL COMMISSION (PANAMA)

Proposed Rule Stage

3372. PANAMA CANAL COMMISSION ACQUISITION REGULATION

Significance: Agency Priority

Legal Authority: 40 USC 486(c)

CFR Citation: 48 CFR Chapter 35, (New)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to issue the Panama Canal Commission Acquisition Regulation (PAR) as Chapter 35 of Title 48 Code of Federal Regulations. The proposed PAR implements and supplements the Federal Acquisition Regulation (FAR), which is the primary acquisition regulation that governs the contracting process of all executive agencies or otherwise controls the relationship between such agencies and their contracts or prospective contractors. This action is necessary to provide regulatory coverage pertinent to Commission acquisitions that is not otherwise provided in the FAR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami 34011-5000, 202 634-6441

RIN: 3207–AA10

3373. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 22 USC 3622

CFR Citation: 35 CFR 255, (Revision)

Legal Deadline: None

Abstract: The Panama Canal Commission proposes to amend its regulations to implement the Ethics in Government Act, the Commission's Code of Conduct as approved by its Board of Directors, and supplementary regulations that clarify certain provisions of the Code of Conduct.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Carolyn H. Twohy, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000, 202 634-6441

RIN: 3207–AA16

[FR Doc. 89-5853 Filed 04-21-89; 8:45 am]

BILLING CODE 3640-04-T

federal register

Monday
April 24, 1989

Part XXXVII

Peace Corps

Semiannual Regulatory Agenda

PEACE CORPS (PEACE)

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations the Peace Corps will have under development during the 12-month period from April 1, 1989 through March 31, 1990. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps' regulations or this semiannual agenda, contact Robert Martin, Associate General Counsel, Peace Corps, 1990 K Street, NW., Washington, DC 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulations, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

Margaret H. Thome,

Associate Director for Management.

PEACE CORPS (PEACE) — Proposed Rule Stage

3374. EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 310

Legal Deadline: None

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps employees. Under development.

Timetable:

Action	Date	FR Cite
NPRM	12/31/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Sharon L. Solomon, Assistant Director for Equal Opportunity, Peace Corps, 1990 K Street, NW, Washington, DC 20526, 202 254-8320

RIN: 0420–AA01

3375. VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURES

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 306

Legal Deadline: None

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps Volunteers. Under development.

Timetable:

Action	Date	FR Cite
NPRM	09/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharon L. Solomon, Assistant Director for Equal Opportunity, Peace Corps, 1990 K Street, NW, Room 5050, Washington, DC 20526, 202 254-8320

RIN: 0420–AA02

3376. IMPLEMENTATION OF REHABILITATION ACT OF 1973, PART 504 - HANDICAPPED DISCRIMINATION PROHIBITION

Legal Authority: 29 USC 794

CFR Citation: 22 CFR 311

Legal Deadline: None

Abstract: The regulation implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) which prohibits discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	06/30/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: John Scales, General Counsel, Peace Corps, 1990 K Street, NW, Room 849, Washington, DC 20526, 202 254-3114

RIN: 0420–AA03

[FR Doc. 89-5854 Filed 04-21-89; 8:45 am]

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Monday
April 24, 1989

Part XXXVIII

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC)

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The Agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Talbot J. Nicholas II, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW., Washington, DC 20004; (202) 724-9088.

Dated: March 9, 1989.

M. J. Brodie,

Executive Director.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Prerule Stage

3377. PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 912

Legal Deadline: None

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, Suite 1220 North, 1331 Pennsylvania Avenue, NW, Washington, DC 20004, 202 724-9088

RIN: 3208–AA01

3378. DEVELOPMENT POLICIES AND PROCEDURES

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911, (New)

Legal Deadline: None

Abstract: The Corporation is studying ways to apply past experience to update its Development Policies and Procedures.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Madeleine B. Schaller, Deputy General Counsel, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220 North, Washington, DC 20004, 202 724-9088

RIN: 3208–AA06

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Final Rule Stage

3379. ● UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 4601

CFR Citation: 36 CFR 904

Legal Deadline: Final, Statutory, April 2, 1989.

Abstract: This final rule provides for the implementation of the Uniform Relocation Act Amendments of 1987. The Pennsylvania Avenue Development Corporation is able to comply with the provisions of the 1987 Amendments and the provisions of the final rule on this subject (FHWA Docket No. 87-22, distributed to agencies dated December 27, 1988 for review & comment; see NPRM 53 FR 27589, July 21, 1988).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/87	52 FR 48021
NPRM	07/21/88	53 FR 27598
NPRM Comment Period End	09/19/88	
Final Action	04/02/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Reginald Robinson, Director, Business Relations, Pennsylvania Avenue Development Corporation, 1331 Pennsylvania Avenue, NW, Suite 1220N, Washington, DC 20004, 202 724-9068

RIN: 3208–AA09

[FR Doc. 89-7106 Filed 04-21-89; 8:45 am]

BILLING CODE 7630-01-T

federal register

Monday
April 24, 1989

Part XXXIX

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PENSION BENEFIT GUARANTY CORPORATION (PBGC)

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact J. Ronald Goldstein, Attorney, Office of the General Counsel, 202-778-8850. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, Pub. L. 98-354, 5 U.S.C. 601, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 89-02) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Proposed Rule Stage

3380. TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2678

Legal Deadline: None

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers. The regulation will also establish standards for the PBGC's waiver of a multiemployer plan's contingent liability arising from the transfer of unfunded vested benefits to a single-employer plan.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Publication of this proposed regulation was delayed because of the need to revise the portions dealing with waiver of a multiemployer plan's contingent liability to reflect certain changes in related statutory provisions made by the Single-Employer Pension Plan Amendments Act of 1986. Work on this rule was subsequently deferred because the enactment of SEPPAA and the 1987 Pension Protection Act amendments required that staff be reassigned to work on higher priority regulations necessitated by those laws.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA20

3381. PLAN RULES FOR REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1387(b)

CFR Citation: 29 CFR 2647 (Amendment)

Legal Deadline: None

Abstract: Under section 4207(a) of ERISA, the PBGC has issued a regulation (29 CFR Part 2647) providing for the reduction or waiver of an employer's liability for complete withdrawal upon the employer's resumption of participation under the plan from which it withdrew. The statute also requires the PBGC to prescribe procedures and standards under which multiemployer plans may adopt their own rules abating complete withdrawal liability upon an employer's return to the plan (section 4207(b)).

The purpose of letting plans adopt their own abatement rules is obvious: a specific rule adopted by a plan may well work better under the facts and circumstances of that particular plan than the broad rules adopted by the PBGC. This regulation will permit a plan to fashion the rules it needs to encourage the return of withdrawn employers, while at the same time protecting the plan from the loss of withdrawal liability payments without a compensating resumption of contributions to the plan by a formerly withdrawn employer. The PBGC is unable to (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: quantify the benefits and costs of this regulation because it cannot predict how many plans will exercise the authority conferred by this regulation.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA38

3382. PAYMENT OF BENEFITS IN PBGC-TRUSTEED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1322; 29 USC 1342

CFR Citation: 29 CFR 2624

Legal Deadline: None

Abstract: When the PBGC assumes trusteeship of a terminated pension plan pursuant to sections 4041 and 4042 of ERISA, it pays benefits to participants pursuant to plan provisions and section 4022 of ERISA. This regulation will contain rules and policies relating to the payment of such benefits. The regulation will enable the PBGC to process and administer PBGC-trusteed plans more efficiently with resultant cost savings. It also will reduce costs to the public and the PBGC by providing payment rules, thereby reducing the number of requests for administrative review.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	
NPRM Comment Period End	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA35

3383. EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS: INTEREST RATE

Legal Authority: 29 USC 1302(b); 29 USC 1362 to 1364; 29 USC 1367 to 1368

CFR Citation: 29 CFR 2622

Legal Deadline: None

Abstract: The PBGC's employer liability regulation incorporates by reference the interest rate charged under section 6601 of the Internal Revenue Code as the interest rate charged, or credited, on late payments, or overpayments, of employer liability. The Tax Reform Act of 1986 significantly changed the way in which the section 6601 rate is established and creates two interest rates: one for underpayments and another, lower rate for overpayments. Because of these changes, the PBGC plans to conduct a new rulemaking proceeding to determine whether it should continue to use the section 6601 interest rates under the employer liability regulation or whether it should adopt a new rate(s) for this purpose.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	
NPRM Comment Period End	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Therese Cleary, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8823

RIN: 1212–AA48

3384. PAYMENTS BY PBGC OF UNFUNDED NONGUARANTEED BENEFITS

Significance: Regulatory Program

Legal Authority: PL 100-203, Sec 9312(b)(3)

CFR Citation: 29 CFR Not yet determined

Legal Deadline: None

Abstract: The Pension Protection Act repealed ERISA section 4049 and 4062(c). Those provisions established new employer liability to plan participants and beneficiaries in the event of a distress termination or involuntary termination by the PBGC of a plan without sufficient assets to pay all benefit commitments; the section 4049 trust was the vehicle for collecting and distributing these liability amounts. This system proved flawed in several respects, however, and Congress therefore created a new scheme by which to channel employer liability recoveries to plan participants and beneficiaries, amended ERISA section 4022(c).

Under section 4022(c), participants no longer have a direct claim for employer liability. Instead, the PBGC's claim covers both its shortfall (unfunded guaranteed benefits) and participants' losses (unfunded benefit liabilities in excess of guaranteed benefits). In turn, the PBGC is to pay a portion of its employer liability recovery to participants and beneficiaries. The amount to be paid is based on the PBGC "recovery ratio" (as defined in amended sec. 4022(c)(3)).(cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	
NPRM Comment Period End	05/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This new statutory rule contains several ambiguities and also leaves to the PBGC the development of specific rules and procedures necessary to make this system work. The regulation will, for example, contain rules on how the PBGC will value its employer liability recoveries for purposes of computing the recovery ratio, whether the allocation of amounts payable under this provision will be done as part of the regular section 4044 asset allocation, and whether the PBGC will pay these benefits by increasing the amount of annuity payments it is making to participants or making lump sum payments.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA54

PBGC — **Proposed Rule Stage**

3385. RETIREMENT EQUITY ACT AMENDMENTS - VALUATION OF PLAN BENEFITS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341

CFR Citation: 29 CFR 2619

Legal Deadline: None

Abstract: The Retirement Equity Act of 1984 ("REA") requires plans to provide certain benefits, prohibits the elimination of benefit options and certain early retirement benefits and retirement- type subsidies, and mandates the range of interest rates that may be used in calculating the amount of a non-consensual lump sum benefit. The Tax Reform Act of 1986 ("TRA '86") slightly modified the interest rate restrictions and extended them to the calculation of all lump sum benefits.

These rules necessitate several amendments to the PBGC's valuation of benefits regulation (29 CFR Part 2619). The major changes will address the rules on determining the form of benefit to be valued on plan termination and the interest rate rules for lump sum payments in standard terminations.

The PBGC had planned to issue the amendments to the valuation of benefits regulation concurrently with the two revised termination regulations. However, work on these amendments has been delayed pending PBGC's efforts with the Internal Revenue Service to develop a definition of the term "benefit liabilities", which was introduced by the Pension (cont.)

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Interim Final Rule	02/00/90	
NPRM Comment Period End	04/00/90	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: (Cont'd Abstract) Protection Act. So as not to delay further the issuance of the termination regulations, the PBGC has dropped its plans to issue all of these rules simultaneously.

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212-AA55

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Final Rule Stage

3386. RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341A ERISA; 29 USC 1441 ERISA

CFR Citation: 29 CFR 2675

Legal Deadline: None

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/07/86	51 FR 24536
NPRM Comment Period End	09/05/86	
Final Action	04/00/89	
Final Action Effective	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212-AA19

3387. REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1388(e)(3)

CFR Citation: 29 CFR 2646

Legal Deadline: None

Abstract: Section 4208 of ERISA provides for the reduction or elimination under certain circumstances of an employer's partial withdrawal liability arising from a 70 percent reduction in contribution base units. That section also authorizes the PBGC to prescribe rules for the reduction or elimination of partial withdrawal liability under other conditions. The regulation will provide for the abatement of partial withdrawal liability arising from the cessation of the obligation to contribute under a collective bargaining agreement or with respect to a facility. Section 4208 also requires the PBGC to issue a regulation

under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	06/05/87	52 FR 21319
NPRM Comment Period End	08/04/87	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212–AA22

3388. ADJUSTMENT OF WITHDRAWAL LIABILITY FOR A WITHDRAWAL SUBSEQUENT TO A PARTIAL WITHDRAWAL

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1386(b)

CFR Citation: 29 CFR 2649

Legal Deadline: None

Abstract: Under section 4206(b) of ERISA, if an employer partially or completely withdraws from a multiemployer plan subsequent to an earlier partial withdrawal from that plan, the employer's liability for the second withdrawal must be reduced by the amount of its liability for the earlier partial withdrawal. The purpose of this credit is to avoid plans double-charging employers for the same unfunded liabilities. Section 4206(b) also requires the PBGC to prescribe regulations adjusting this credit to ensure that the employer's liability for its second withdrawal properly reflects the employer's share of liability with respect to the plan.

The need for this adjustment to the credit can be seen from the following example. In a plan that uses the rolling-5 allocation method, an employer's withdrawal liability is based on its last five years' participation in the plan. If an employer's second withdrawal occurs more than five years after its partial withdrawal, the liability for the second withdrawal is based solely on plan participation subsequent to the partial (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/06/87	52 FR 37329
NPRM Comment Period End	12/07/87	
Final Action	09/00/89	
Final Action Effective	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: withdrawal. Thus, there is no double-charging with respect to the old liabilities and no reason to give the employer a credit against its liability for the second withdrawal. However, without this regulation, the employer would get that credit under the statute. There are many other possible situations in which the employer's credit should similarly be reduced in order to ensure equitable treatment of the withdrawing employer vis-a-vis the other employers still contributing to the plan.

This regulation will result in some shifting of liabilities among employers contributing to a multiemployer plan. An employer that has another withdrawal following a partial withdrawal may incur greater liability for the second withdrawal because of the reduction in the credit for the prior partial withdrawal. However, this increase in liability would reduce the unfunded vested benefits allocable to other employers that withdraw thereafter. In the aggregate, the regulation will impose no new costs.

Agency Contact: Ms. Debra Bisco, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212–AA37

3389. DETERMINATION OF WITHDRAWAL LIABILITY FOLLOWING A MERGER

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(f)

CFR Citation: 29 CFR 2642 (Amendment)

Legal Deadline: None

Abstract: The merger of two multiemployer plans creates a problem as to how the successor plan's unfunded vested benefits are to be allocated in order to determine withdrawal liability for post-merger withdrawals. Frequently, the two plans will have been using different allocation methods prior to the merger. Even if they were using the same method, if they had different plan years, that would create different allocations.

For this reason, section 4211(f) of ERISA requires the PBGC to issue regulations prescribing rules for the post-merger allocation of unfunded vested benefits. The PBGC proposes to establish rules that parallel the statutory allocation methods: i.e., there would be a presumptive allocation method that would apply to plans unless they chose otherwise, and plans would be permitted to adopt certain modifications to this presumptive method without the PBGC's approval and other more significant modifications with the PBGC's approval. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43082
NPRM Comment Period End	01/08/88	
Final Action	11/00/89	
Final Action Effective	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: This regulation will remove a significant impediment to multiemployer plan mergers by eliminating employers' concern and confusion over how their withdrawal liability would be calculated after a merger. Plan mergers are generally to be encouraged since a larger plan is typically a stronger plan because of its broader contribution base, and because portability of

PBGC **Final Rule Stage**

benefits is increased. This regulation will impose no new costs.

Agency Contact: Mr. John Foster, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA39

3390. PAYMENT OF PREMIUMS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b)(3); 29 USC 1306; 29 USC 1307; PL 100-203, Sec 9331

CFR Citation: 29 CFR 2610

Legal Deadline: None

Abstract: The Pension Protection Act substantially altered the rules pertaining to single-employer plan premiums that are paid to the PBGC. Under the Act, there is a flat per capita charge (increased from that under prior law) plus a new variable rate charge tied to the value of a plan's unfunded vested benefits. The new premium rules are effective for plan years beginning after December 31, 1987.

On June 30, 1988, the PBGC issued an interim regulation implementing these rules. Because of the need to issue the regulation quickly to provide guidance for 1988 premium payments, the PBGC did not solicit public comment before issuing the regulation. For the same reason, the interim regulation did not address certain relevant, but secondary, issues pertaining to the new rules. Therefore, on October 5, 1988, the PBGC issued a notice of proposed rulemaking in order to permit public comment on the interim regulation. The NPRM also addressed problems or questions raised by the public in response to the interim regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/88	53 FR 24906
NPRM	10/05/88	53 FR 39200
NPRM Comment Period End	12/05/88	
Final Action	06/00/89	
Final Action Effective	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The PBGC expects to issue the final regulation in June 1989, effective for 1989 premium payment. As set forth in the proposed regulation, the final regulation will contain some new provisions further simplifying the rules for determining a plan's unfunded vested benefits and excluding more plans from having to calculate unfunded vested benefits.

Agency Contact: Mr. Harold Ashner, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, D.C. 20006, 202 778-8823

RIN: 1212–AA53

3391. DISTRESS TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11009; PL 100-203, Sec 9312(c) to 9312(d); PL 100-203, Sec 9313(b) to 9313(c); PL 100-203, Sec 9314(a)

CFR Citation: 29 CFR 2616

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 substantially revised ERISA section 4041 dealing with the voluntary termination of single-employer pension plans. Under amended section 4041, a plan may voluntarily terminate only if the termination satisfies the statutory conditions for a standard or distress termination. These rules were further modified by the 1987 Pension Protection Act, which increased the benefits that must be provided, or for which the employer maintaining the plan is liable, upon plan termination. Thus, under current law, unless a plan has sufficient assets to satisfy all plan benefit liabilities, it may voluntarily terminate only in a "distress" termination; i.e., a termination in which the plan sponsor and all members of its controlled group are able to demonstrate either such financial hardship or unduly burdensome pension costs that, as a practical matter, they are unable to continue to maintain the plan. CONT.

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT:

The statutory rules and procedures for distress terminations are substantially different from the prior rules and procedures for terminating insufficient plans. Therefore, it is necessary to revise the PBGC's plan termination regulations to reflect these new rules and procedures. This regulation covering distress terminations and a companion rule covering standard terminations (to be codified in Part 2617) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617).

Although the notice of proposed rulemaking for this regulation was issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA41

3392. STANDARD TERMINATIONS OF SINGLE-EMPLOYER PLANS

Significance: Regulatory Program

Legal Authority: PL 99-272, Sec 11007; PL 99-272, Sec 11008; PL 100-203, Sec 9311; PL 100-203, Sec 9313(a); PL 100-203, Sec 9313(c); PL 100-203, Sec 9314(a)

CFR Citation: 29 CFR 2617

Legal Deadline: None

Abstract: Under ERISA Section 4041, as amended by the Single-Employer Pension Plan Amendments Act of 1986 and the Pension Protection Act, absent a showing of financial hardship or unduly burdensome pension costs that would satisfy the requirements for a distress termination, a single-employer plan may be voluntarily terminated only if it is sufficient for all benefit liabilities (i.e., all benefits provided under the plan on the termination date, whether or not vested). This is referred to as a "standard" termination. SEPPAA also modified many of the termination rules and procedures that

applied under prior law, both to increase the protections afforded plan participants and beneficiaries and to simplify and expedite the PBGC's processing of these sufficient plan terminations. It is, therefore, necessary to promulgate this new regulation implementing the new rules and procedures for standard terminations. This regulation and its companion regulation covering distress terminations (to be codified in Part 2616) will replace the PBGC's principal termination regulations on notices of intent to terminate and termination of sufficient plans (existing Parts 2616 and 2617). (CONT)

Timetable:

Action	Date	FR Cite
NPRM	09/02/87	52 FR 33318
NPRM Comment Period End	11/02/87	
Final Action	10/00/89	
Final Action Effective	11/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Although the notice of proposed rulemaking for this regulation was issued prior to enactment of the Pension Protection Act, the final rule will reflect the relevant statutory changes from that Act.

Agency Contact: J. Ronald Goldstein, Senior Counsel, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA47

3393. MISCELLANEOUS SEPPAA/PPA AMENDMENTS

Significance: Regulatory Program

Legal Authority: 29 USC 1302(b); 29 USC 1322; 29 USC 1343; 29 USC 1344; 29 USC 1362 to 1364; 29 USC 1367 to 1368; PL 99-272, Sec 11008 to 11011; PL 99-272, Sec 11016; PL 100-203, Sec 9311 to 9314; PL 100-203, Sec 9331

CFR Citation: 29 CFR 2606; 29 CFR 2615; 29 CFR 2622; 29 CFR 2623

Legal Deadline: None

Abstract: The Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") and the Pension Protection Act ("PPA") made several changes in Title IV rules and procedures that affect and, in some cases, override portions of several PBGC regulations. For this reason, these regulations - administrative review of agency decisions, benefit reductions in terminated plans, reportable events and employer liability - must be amended to conform them to the current law. For example, because SEPPAA altered the determinations that the PBGC may make with respect to voluntary plan terminations, the list in 29 CFR 2606.1(b) of determinations subject to agency review must be amended.

Similarly, SEPPAA contained, for distress terminations, specific benefit cutback rules. These rules differ somewhat from those set forth in 29 CFR Part 2623 and, therefore, conforming amendments to Part 2623 are required. SEPPAA and the PPA significantly changed the rules on employer liability to the PBGC in distress and involuntary terminations. Now, an employer is liable to the PBGC for the total plan underfunding, (CONT)

Timetable:

Action	Date	FR Cite
Final Action	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: i.e., for all unfunded benefit liabilities. Further, the 30 percent of net worth limitation is now relevant only in determining the amount subject to PBGC's statutory lien and the status of PBGC's claim in bankruptcy. The employer liability regulation needs to be amended to reflect these changes.

Agency Contact: Mr. Stephen Schreiber, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8824

RIN: 1212–AA50

PENSION BENEFIT GUARANTY CORPORATION (PBGC) Completed Actions

3394. ALLOCATING UNFUNDED VESTED BENEFITS: FULLY FUNDED PLANS

Legal Authority: 29 USC 1302(b)(3); 29 USC 1341(c)

CFR Citation: 29 CFR 2642

Legal Deadline: None

Abstract: The PBGC is canceling this project in order to devote staff resources to more important regulatory projects and in recognition of the fact that there has been little expression of public interest in this project.

Timetable:

Action	Date	FR Cite
Withdrawn Low agency priority and little public interest.	01/30/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Office of the General Counsel, (22500), 2020 K St., NW, Washington, DC 20006, 202 778-8850

RIN: 1212–AA51

[FR Doc. 89-5855 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XL

Railroad Retirement Board

Semiannual Regulatory Agenda

RAILROAD RETIREMENT BOARD (RRB)

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months, and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, (312) 751-4935 (FTS 386-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: February 24, 1989.
By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3395	Part 220 Determining Disability	3220-AA01
3396	Eligibility for an Annuity	3220-AA15
3397	Recovery of Overpayments	3220-AA44
3398	Sickness Benefits	3220-AA45
3399	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
3400	General Administration	3220-AA56
3401	Family Relationships	3220-AA57
3402	Computing Employee, Spouse, and Divorced Spouse Annuities	3220-AA58
3403	Survivor Annuity Computations	3220-AA59
3404	Social Security Overall Minimum	3220-AA60
3405	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3406	Medicare	3220-AA64
3407	Available for Work	3220-AA65
3408	Exhaustion of Rights to Benefits	3220-AA67
3409	Remuneration	3220-AA68
3410	Railroad Employers' Reports and Responsibilities; Lump-Sum Payments	3220-AA69
3411	Military Service	3220-AA70
3412	Qualified Employee	3220-AA71
3413	Monthly Compensation Base	3220-AA72
3414	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from Such Determinations	3220-AA73
3415	Registration and Claims for Benefits	3220-AA74
3416	Voluntary Quit	3220-AA75
3417	Mileage or Work Restrictions and Stand-By or Lay-Over Rules	3220-AA76
3418	Recovery of Benefits	3220-AA77
3419	Employers' Contributions and Contribution Reports	3220-AA79
3420	Determination of Daily Benefit Rates	3220-AA82

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3421	Annuity Beginning and Ending Dates	3220-AA13
3422	Evidence Required for Payment	3220-AA14
3423	Application for Annuity or Lump Sum	3220-AA16
3424	Employees Under the Railroad Retirement Act	3220-AA52
3425	Contributions Under Special Transition Rule for Public Commuter Railroads	3220-AA78

RRB

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3426	Primary Insurance Amount Determinations	3220-AA02
3427	Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Railroad Retirement Board	3220-AA22
3428	Recovery of Debts Owed to the United States Government by Employees	3220-AA49
3429	Employment Relation	3220-AA53
3430	Employee Representative	3220-AA55
3431	Payment of Social Security Benefits	3220-AA62
3432	Reduction in Unemployment and Sickness Benefits; Rate of Railroad Unemployment	3220-AA80
3433	Collection of Debts by Federal Tax Refund Offset	3220-AA81

RAILROAD RETIREMENT BOARD (RRB) — Proposed Rule Stage

3395. PART 220 DETERMINING DISABILITY

Significance: Regulatory Program

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Legal Deadline: None

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Grace Koester, Regulations Project Director, Bureau of Hearings and Appeals, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4793

RIN: 3220–AA01

3396. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Legal Deadline: None

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA15

3397. RECOVERY OF OVERPAYMENTS

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 255

Legal Deadline: None

Abstract: Part 255 is being revised to clarify when and how erroneous payments under the Railroad Retirement Act must be recovered. (Previously titled Erroneous Payments.)

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA44

3398. SICKNESS BENEFITS

Legal Authority: 45 USC 362; 45 USC 355

CFR Citation: 20 CFR 335

Legal Deadline: None

Abstract: Part 335 will be amended to delete obsolete provisions and to simplify and clarify the language of that part.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Walter Witkovich, Regulations and Legal Specialist, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4750

RIN: 3220–AA45

3399. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 202; 20 CFR 301

Legal Deadline: None

Abstract: The Board's regulations with respect to employer status have not

been updated in recent years and may, in some respects, be obsolete. Parts 202 and 301 will be amended to conform them to current law, delete obsolete provisions, and to simplify and clarify the language of these parts.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: 40 Railroad Transportation

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA51

3400. GENERAL ADMINISTRATION

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 200; 20 CFR 262

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 200 to move sections of Part 262 into Part 200 to place these regulations more appropriately under General Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA56

3401. FAMILY RELATIONSHIPS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 222

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 222 to define any family relationship requirements needed to establish eligibility and entitlement for any monthly annuity or lump-sum payment under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA57

3402. COMPUTING EMPLOYEE, SPOUSE, AND DIVORCED SPOUSE ANNUITIES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Legal Deadline: None

Abstract: The Railroad Retirement Board's regulations on the computation of employee, spouse, and divorced spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA58

3403. SURVIVOR ANNUITY COMPUTATIONS

Legal Authority: 45 USC 231f(f)(5)

CFR Citation: 20 CFR 228

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 228 to describe how survivor annuities are computed in accordance with the Railroad Retirement Act of 1974, and amendments to that Act made in 1981 and 1983.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA59

3404. SOCIAL SECURITY OVERALL MINIMUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 229

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to add 20 CFR Part 229 to describe when the social security overall minimum annuity computation applies and how it is computed for retirement annuities under the Railroad Retirement Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA60

3405. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) proposes to amend 20 CFR Part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA61

RRB Proposed Rule Stage

3406. MEDICARE

Legal Authority: 45 USC 231f(d)

CFR Citation: 20 CFR 238

Legal Deadline: None

Abstract: The Board proposes to add this part to explain its role in the administration of medicare benefits to qualified railroad retirement beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA64

3407. AVAILABLE FOR WORK

Legal Authority: 45 USC 362(b)

CFR Citation: 20 CFR 327

Legal Deadline: None

Abstract: This proposed rule will amplify the meaning of "available for work" under the Railroad Unemployment Insurance Act in light of recent legal opinions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA65

3408. EXHAUSTION OF RIGHTS TO BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 336

Legal Deadline: None

Abstract: This proposed amendment will remove obsolete provisions and clarify the meaning of the term extended benefit period as provided for in section 2(c) of the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA67

3409. REMUNERATION

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 322

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend Part 322 of its regulations under the Railroad Unemployment Insurance Act to remove obsolete language and to clarify the meaning of remuneration in light of recent legal opinions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312 751-4513

RIN: 3220–AA68

3410. ● RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES; LUMP-SUM PAYMENTS

Legal Authority: 45 USC 231(f)

CFR Citation: 20 CFR 209; 20 CFR 239

Legal Deadline: None

Abstract: Provides for payment of a new lump-sum benefit as authorized by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA69

3411. ● MILITARY SERVICE

Legal Authority: 45 USC 231(f)

CFR Citation: 20 CFR 212

Legal Deadline: None

Abstract: Adds additional period for which military service is creditable under the Railroad Retirement Act as provided for by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA70

3412. ● QUALIFIED EMPLOYEE

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 317

Legal Deadline: None

Abstract: This new Part explains how an individual qualifies for benefits under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA71

3413. ● MONTHLY COMPENSATION BASE

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 318

Legal Deadline: None

Abstract: This new Part will explain how the monthly compensation base is computed under the Railroad Unemployment Insurance Act and its effect on benefits under that statute.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA72

3414. ● INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 320

Legal Deadline: None

Abstract: Part 320 is being revised to provide for employer intervention rights provided for by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA73

3415. ● REGISTRATION AND CLAIMS FOR BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 325

Legal Deadline: None

Abstract: Part 325 is being revised to provide for mail-in registration for unemployment benefits and to make certain other changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA74

3416. ● VOLUNTARY QUIT

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 328

Legal Deadline: None

Abstract: A new Part 328 is being added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA75

3417. ● MILEAGE OR WORK RESTRICTIONS AND STAND-BY OR LAY-OVER RULES

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 332

Legal Deadline: None

Abstract: Part 332 is being revised to provide that an employee in interdivisional service will be considered to have a regular assignment and thus not eligible for unemployment insurance benefits on days when the employee is standing by or laying over between assignments.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA76

3418. ● RECOVERY OF BENEFITS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 340

Legal Deadline: None

Abstract: Part 340 is being revised to further define when waiver of an overpayment will be required under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA77

3419. ● EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 345

Legal Deadline: None

Abstract: Part 345 is being revised to reflect experience rating as provided for in the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, P.L. 100-647.

Timetable:

Action	Date	FR Cite
NPRM	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA79

RRB Proposed Rule Stage

3420. ● DETERMINATION OF DAILY BENEFIT RATES

Legal Authority: 45 USC 362(i); 45 USC 362(l)

CFR Citation: 20 CFR 330

Legal Deadline: None

Abstract: The Railroad Retirement Board proposes to amend Part 330 of its regulations under the Railroad Unemployment Insurance Act. Part 330 sets forth the Board's procedures for computing (1) an employee's daily benefit rate for a given benefit year, and (2) the maximum daily benefit rate authorized by the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Walter P. Witkovich, Regulations and Legal Specialist, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4750

RIN: 3220–AA82

RAILROAD RETIREMENT BOARD (RRB) Final Rule Stage

3421. ANNUITY BEGINNING AND ENDING DATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Legal Deadline: None

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44477
NPRM Comment Period End	02/06/89	53 FR 44477
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA13

3422. EVIDENCE REQUIRED FOR PAYMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Legal Deadline: None

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	02/16/89	54 FR 7045
NPRM Comment Period End	03/20/89	54 FR 7045
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA14

3423. APPLICATION FOR ANNUITY OR LUMP SUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Legal Deadline: None

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	10/19/88	53 FR 40901
NPRM Comment Period End	11/18/88	53 FR 40901
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Sectors Affected: None

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA16

3424. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT

Legal Authority: 45 USC 231f; 45 USC 362(l)

CFR Citation: 20 CFR 203

Legal Deadline: None

Abstract: The Board's regulations with respect to employee status have not been updated in recent years and may, in some respects, be obsolete. Part 203 will be amended to conform it to current law, delete obsolete provisions, and to simplify and clarify the language of this part.

Timetable:

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	54 FR 318
Final Action	01/00/90	

Small Entities Affected: None

Government Levels Affected: State, Federal

Sectors Affected: 40 Railroad Transportation

Additional Information: The Comment Period shown in 54 FR 318 has been extended 30 days (to 03/08/89) for those who made formal requests for such extension.

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law,

RRB **Final Rule Stage**

Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA52

3425. ● CONTRIBUTIONS UNDER SPECIAL TRANSITION RULE FOR PUBLIC COMMUTER RAILROADS

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 344

Legal Deadline: None

Abstract: Temporary rule providing for assessment of contributions under the Railroad Unemployment Insurance Act under a special transition rule for public commuter railroads as provided for in the Railroad Unemployment Insurance and Retirement Improvement Act of 1988, PL 100-647.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA78

RAILROAD RETIREMENT BOARD (RRB) — Completed Actions

3426. PRIMARY INSURANCE AMOUNT DETERMINATIONS

CFR Citation: 20 CFR 225

Completed:

Reason	Date	FR Cite
Final Action	03/29/89	54 FR 12901
Final Action Effective	03/29/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA02

3427. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

CFR Citation: 20 CFR 365; 28 CFR 41; 28 CFR 41.3(f); 28 CFR 41.5(b)(2); 28 CFR 41.31; 28 CFR 41.32; 28 CFR 41.51; 28 CFR 41.56 to 41.58; 29 CFR 1613; 41 CFR 101-19.600 to 101-19.607

Completed:

Reason	Date	FR Cite
Final Action	10/27/88	53 FR 43429
Final Action Effective	12/27/88	53 FR 43429

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Michael C. Litt 312 751-4929

RIN: 3220–AA22

3428. RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY EMPLOYEES

CFR Citation: 20 CFR 361

Completed:

Reason	Date	FR Cite
Final Action	11/09/88	53 FR 45261
Final Action Effective	11/09/88	53 FR 45261

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA49

3429. EMPLOYMENT RELATION

CFR Citation: 20 CFR 204

Completed:

Reason	Date	FR Cite
Final Action	02/02/89	54 FR 5223
Final Action Effective	02/02/89	54 FR 5223

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA53

3430. EMPLOYEE REPRESENTATIVE

CFR Citation: 20 CFR 205

Completed:

Reason	Date	FR Cite
Final Action	10/06/88	53 FR 39255
Final Action Effective	10/06/88	53 FR 39255

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA55

3431. PAYMENT OF SOCIAL SECURITY BENEFITS

CFR Citation: 20 CFR 235

Completed:

Reason	Date	FR Cite
Final Action	02/02/89	54 FR 5525
Final Action Effective	02/02/89	54 FR 5525

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler 312 751-4513

RIN: 3220–AA62

3432. ● REDUCTION IN UNEMPLOYMENT AND SICKNESS BENEFITS; RATE OF RAILROAD UNEMPLOYMENT

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 302; 20 CFR 337

Legal Deadline: None

Abstract: The Railroad Retirement Board is removing Part 302, Reduction in Unemployment and Sickness Benefits, and Part 337, Rate of Railroad Unemployment, because these parts are now obsolete.

Timetable:

Action	Date	FR Cite
Final Action	02/02/89	54 FR 5226
Final Action Effective	02/02/89	54 FR 5226

RRB

Completed Actions

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas W. Sadler, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4513

RIN: 3220–AA80

3433. ● COLLECTION OF DEBTS BY FEDERAL TAX REFUND OFFSET

Legal Authority: 45 USC 231f(b)(5); 31 USC 3720A

CFR Citation: 20 CFR 366

Legal Deadline: None

Abstract: The Railroad Retirement Board amended its regulations by adding Part 366 to establish a procedure whereby delinquent debts owed to the Agency will be referred to the IRS for collection by offset against Federal income tax refunds. Title 31 USC 3720A authorizes agencies to notify the IRS of a past-due, legally enforceable debt, for the purpose of offsetting the debtor's tax refund. This regulation applies to tax refunds payable under section 6402 of the Internal Revenue Code of 1986 after December 31, 1988, and on or before January 10, 1994. This regulation had to become effective on the date of publication in the FR in order for the Board to participate in the Calendar Year 1989 Federal Tax Refund Offset Program.

Timetable:

Action	Date	FR Cite
Final Action	01/06/89	54 FR 397
Final Action Effective	01/06/89	54 FR 397

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220–AA81

[FR Doc. 89-5856 Filed 04-21-89; 8:45 am]

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Federal Register

Monday
April 24, 1989

Part XLI

Selective Service System

Semiannual Regulatory Agenda

SELECTIVE SERVICE SYSTEM (SSS)

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

Dated: March 10, 1989.

Samuel K. Lessey Jr.,

Director of Selective Service.

SELECTIVE SERVICE SYSTEM (SSS) — Prerule Stage

3434. SELECTIVE SERVICE REGULATIONS

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act

CFR Citation: 32 CFR Chapter XVI

Legal Deadline: None

Abstract: Various sections of 32 CFR Chapter XVI will be revised to increase clarity of expression or change procedures for registrant processing.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240–AA01

[FR Doc. 89-7107 Filed 04-21-89; 8:45 am]

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Federal Register

Monday
April 24, 1989

Part XLII

Small Business Administration

Semiannual Regulatory Agenda

SMALL BUSINESS ADMINISTRATION (SBA)

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 20th semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that meet both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA overall Regulatory Review and Development Program or for general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, NW., Washington, DC 20416, 202/653-6644.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has four parts. Part I, Pre-Rulemakings, includes investigations and reviews to be conducted prior to deciding whether or not to propose a rule or rule change. Part II, Proposed Rules, includes rulemaking which will be proposed during the six-month period covered by the agenda. Part III, Final Rules, includes proposed rules which will be finalized during the period covered by the agenda. Part IV, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: February 24, 1989.

James Abdnor,

Administrator.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3435	Size Standards: Timber Industry	3245-AB34
3436	Business Loans	3245-AB81
3437	Business Loan Policy	3245-AB84
3438	Business Loan Policy	3245-AB85

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3439	Small Business Investment Company Regulations: Compliance Audits	3245-AB07
3440	Small Business Investment Companies	3245-AB29
3441	Small Business Institutes - Counseling Fees	3245-AB32
3442	Loans to State and Local Development Companies	3245-AB35
3443	Nondiscrimination in Federally-Assisted Programs	3245-AB36
3444	Nondiscrimination in Financial Assistance Programs	3245-AB37
3445	User Fees for SBA Programs	3245-AB44
3446	Procurement: Subcontracting Limitations	3245-AB62
3447	Accrual of Interest Payable by SBA in Secondary Market	3245-AB69
3448	Minority Small Business and Capital Ownership Development	3245-AB76
3449	Business Loan Policy	3245-AB86
3450	Small Business Size Regulation	3245-AB88

SBA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3451	Certificate of Competency	3245-AA74
3452	Size Standards, Export Trading Companies	3245-AA83
3453	Regulations Applying Small Business Size Standards	3245-AA84
3454	Small Business Investment Companies	3245-AB12
3455	Small Business Development Centers	3245-AB17
3456	Small Business Size Standards: Residual Size Standards	3245-AB57
3457	Small Business Size Standards: Nonmanufacturers	3245-AB58
3458	Uniform Administrative Requirements for Grants and Cooperative Agreements; Proposed Revision of Circular A-110	3245-AB67
3459	Business Loans, Fees	3245-AB71
3460	Small Business Size Standards: Size Standard for Commodity Contracts Brokers and Dealers	3245-AB72
3461	Surety Bond Guarantee	3245-AB77
3462	Business Loans	3245-AB82
3463	Small Business Size Regulations	3245-AB87
3464	Loans to State and Local Development Companies; Minimum Amount of Pool Certificates	3245-AB89

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3465	Size Standard: Real Estate Agents	3245-AA88
3466	Minority Small Business	3245-AB26
3467	Program Fraud Civil Remedies Regulations	3245-AB27
3468	Small Business Lending Companies	3245-AB30
3469	Minority Small Business and Capital Ownership Development Assistance	3245-AB31
3470	Small Business Size Standards for Construction	3245-AB38
3471	Small Business Size Standards: Hazards Waste Treatment	3245-AB53
3472	Small Business Size Standards: Naval Architecture and Marine Engineering	3245-AB54
3473	Small Business Size Standards: Aircraft, Guided Missiles, and Space Vehicle Research and Development	3245-AB59
3474	Small Business Size Standards: Refuse Systems and Surveying and Mapping	3245-AB61
3475	Small Disadvantaged Business Status Appeals Procedures	3245-AB63
3476	Revision of Rules on Advanced Payments, Business Development Expense and Contracts	3245-AB68
3477	Size Standard for Refuse and Garbage Collection Services	3245-AB70
3478	Disaster Loans	3245-AB74
3479	Small Business Size Standards for Surveying and Mapping Services	3245-AB75
3480	Loans to State and Local Development Companies	3245-AB78
3481	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	3245-AB79
3482	Small Business Size Standards	3245-AB80
3483	Business Loans	3245-AB83

SMALL BUSINESS ADMINISTRATION (SBA) — Prerule Stage

3435. SIZE STANDARDS: TIMBER INDUSTRY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Study related to natural resources sales program to determine whether rule change is needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/15/87	
End Review	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, D.C. 20416, 202 653-6373

RIN: 3245–AB34

3436. ● BUSINESS LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); PL 100-590

CFR Citation: 13 CFR 122

Legal Deadline: None

SBA **Prerule Stage**

Abstract: This regulation implements statutory changes contained in the Small Business Administration Reauthorization Act (PL 100-590) which authorizes SBA to guaranty loans of up to $1,000,000 to finance pollution control facilities.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Everett Shell, Director, Office of Business Loans, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6470

RIN: 3245–AB81

3437. ● BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This regulation is designed to implement a limit, by SBA, in its guaranty of a Preferred Lenders Program loan to no more than 5 percentage points below the percent guaranteed for other loans. The regulation would also limit the Preferred Lenders Program to loans over $155,000, and would prohibit preferred lenders from selling all or part of the unguaranteed portion of the loan.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB84

3438. ● BUSINESS LOAN POLICY

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This regulation implements a provision of the Small Business Administration Reauthorization Act (PL 100-590) which establishes a certified lenders program.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB85

SMALL BUSINESS ADMINISTRATION (SBA) Proposed Rule Stage

3439. SMALL BUSINESS INVESTMENT COMPANY REGULATIONS: COMPLIANCE AUDITS

Legal Authority: 15 USC 687(b)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Establishment of new system of periodic compliance audits of small business investment companies by independent certified public accountants.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
NPRM Comment Period End	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel Peyser, Counsel to the Inspector General, Small Business Administration, 1441 L Street, NW, Room 1018, Washington, DC 20416, 202 653-6370

RIN: 3245–AB07

3440. SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 107

Legal Deadline: None

Abstract: Major revision to Part 107 of title 13 governing Small Business Investment Companies. The regulation will cover changes to ownership or control of a licensee, definition of private capital, deposits and investments of idle funds, other permissible financing, leverage for Section 301(d) SBICs, definition of small business concern , control of small concern, operational requirements, cost of money, funds to licensee, conflicts of interest provisions, redemptions, commitments, the purchase, sale or guarantee of securities evidencing leverage, and the filing of SBA Form 468.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph L. Newell, Director, Office of Investment, Small Business Administration, 1441 L Street,N.W., Room 808, Washington, DC 20416, 202 653-6584

RIN: 3245–AB29

3441. SMALL BUSINESS INSTITUTES - COUNSELING FEES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: User fees for training conducted by SBA cosponsors under Section 8(b)(1) of the Small Business Act for training (management and/or technical), and for training and counseling provided by Small Business Institutes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

SBA

Proposed Rule Stage

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1989 (PL 100-459) prohibits SBA from using appropriated funds to establish or increase user fees. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 90 Appropriations legislation.

Agency Contact: John Cox, Associate Administrator for Business, Development, Small Business Administration, 1441 L Street, N.W., Room 317, Washington, D.C. 20416, 202 653-6881

RIN: 3245–AB32

3442. LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: Complete revision of the Section 502 local development company rules.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Room 720, Washington, D.C. 20416, 202 653-6416

RIN: 3245–AB35

3443. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 15 USC 634(b)(6); 42 USC 2000d-1

CFR Citation: 13 CFR 112

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if recipients of assistance under any of SBA's programs are found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, 202 653-6050

RIN: 3245–AB36

3444. NONDISCRIMINATION IN FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: 15 USC 634(b)(6); PL 85-536; 15 USC 633; 15 USC 634; 15 USC 687; 15 USC 1691; 20 USC 1681, et seq.; 29 USC 794

CFR Citation: 13 CFR 113

Legal Deadline: None

Abstract: Technical amendment to SBA's current regulation to clarify that if a beneficiary of one of SBA's financial assistance programs is found to have discriminated, SBA is authorized to take certain actions such as withholding further assistance or accelerating a loan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: George Robinson, Director, Equal Employment Opportunity & Compliance, Small Business Administration, 1441 L Street, N.W., Room 501, Washington, D.C. 20416, 202 653-6050

RIN: 3245–AB37

3445. USER FEES FOR SBA PROGRAMS

Legal Authority: 15 USC 687(c); 15 USC 687d; 15 USC 687g; 15 USC 694a; 15 USC 694b; 5 USC App. 1; 15 USC 632(a); 15 USC 634(b)(6); 15 USC 637(a); 15 USC 631; 15 USC 637(b); 15 USC 636(i); 15 USC 636(j); PL 93-113

CFR Citation: 13 CFR 101; 13 CFR 107; 13 CFR 115; 13 CFR 121; 13 CFR 124; 13 CFR 125; 13 CFR 129

Legal Deadline: None

Abstract: Establishment or modification of user fees for the following: use of SBA's Office of Advocacy database, guaranty of debentures issued by Small Business Investment Companies, guaranty of surety bonds, appeals of size determinations and standard industrial classification code designations, application to the Minority Small Business (Section 8(a)) Program, training sponsored by the Service Corps of Retired Executives (SCORE), SBA's Office of Women's Business Ownership, and SBA's Office of Veterans Affairs, counseling by Small Business Institutes and application for a Certificate of Competency.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: The Small Business Administration is prohibited under the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1989 (PL 100-459) from using appropriated funds to establish or increase user fees. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 90 Appropriations legislation.

Agency Contact: Ramona Powell, Attorney Adviser, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6437

RIN: 3245–AB44

3446. PROCUREMENT: SUBCONTRACTING LIMITATIONS

Legal Authority: PL 99-591; PL 99-661; 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Legal Deadline: None

Abstract: Guidelines for application of subcontracting limitations imposed by Public Laws 99-591 and 99-661.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	07/00/89	

Small Entities Affected: Businesses

SBA — Proposed Rule Stage

Government Levels Affected: Federal

Agency Contact: Monika E. Harrison, Associate Administrator for Procurement, Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB62

3447. ACCRUAL OF INTEREST PAYABLE BY SBA IN SECONDARY MARKET

Legal Authority: 15 USC 634(f); 15 USC 634(g); 15 USC 634(h); 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: The proposed regulation would spell out the process of calculating accrued interest payable by SBA to an investor. The payment by SBA is triggered by a borrower defaulting on an SBA guaranteed loan.

Timetable:

Action	Date	FR Cite
NPRM	08/00/89	
NPRM Comment Period End	09/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State, Federal

Agency Contact: Alan S. Mandel, Assistant Deputy Associate Administrator, for Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB69

3448. ● MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 124

Legal Deadline: NPRM, Statutory, March 15, 1989. Final, Statutory, June 12, 1989.

Abstract: Substantive changes to criteria and processes applicable to 8(a) program eligibility and business development during program participation.

Timetable:

Action	Date	FR Cite
NPRM	03/23/89	54 FR 12054
NPRM Comment Period End	04/24/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Joseph Montes, Associate Administrator for Minority Small, Business and Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6407

RIN: 3245–AB76

3449. ● BUSINESS LOAN POLICY

Legal Authority: 15 USC 636; PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This proposed rule would implement a provision of the Small Business Administration Reauthorization and Amendment Act (PL 100-590). The legislation authorizes Certified and Preferred Lender to keep one-half of the two percent guaranty fee chargeable to borrowers for loans of $50,000 or less with maturities in excess of one year.

Timetable:

Action	Date	FR Cite
NPRM	03/06/89	54 FR 9233
NPRM Comment Period End	04/05/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Allan S. Mandel, Assistant Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6696

RIN: 3245–AB86

3456. ● SMALL BUSINESS SIZE REGULATION

Legal Authority: 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: Final, Statutory, June 15, 1989.

Abstract: Rule to establish procedures for requesting/granting waivers to the nonmanufacturers rule when there are no small business manufacturers in the Federal market.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Monika Edwards Harrison, Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB88

SMALL BUSINESS ADMINISTRATION (SBA) — Final Rule Stage

3451. CERTIFICATE OF COMPETENCY

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Legal Deadline: None

Abstract: Overall revision to Certificate of Competency regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/13/88	53 FR 22015
NPRM Comment Period End	08/12/88	
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Moffitt, Deputy Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, NW,

Room 626, Washington, DC 20416, 202 653-6582

RIN: 3245–AA74

3452. SIZE STANDARDS, EXPORT TRADING COMPANIES

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Propose size standard for Export Trading Companies.

Timetable:

Action	Date	FR Cite
NPRM	06/07/88	53 FR 20857
NPRM Comment Period End	08/08/88	
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245–AA83

3453. REGULATIONS APPLYING SMALL BUSINESS SIZE STANDARDS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	08/31/87	52 FR 32870
NPRM Comment Period End	10/30/87	
Final Action	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Room 706, Washington, DC 20416, 202 653-6660

RIN: 3245–AA84

3454. SMALL BUSINESS INVESTMENT COMPANIES

Significance: Agency Priority

Legal Authority: 15 USC 320

CFR Citation: 13 CFR 107

Legal Deadline: Other, Statutory, June 7, 1986.

Abstract: Establishment of mechanism for selling to the public certificates of interest backed by pools of SBIC guaranteed debentures and of a system of registration of such sales.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/12/86	51 FR 21484
Final Action	09/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Room 808, Washington, DC 20416, 202 653-6848

RIN: 3245–AB12

3455. SMALL BUSINESS DEVELOPMENT CENTERS

Significance: Agency Priority

Legal Authority: PL 96-302; PL 98-395

CFR Citation: 13 CFR 129

Legal Deadline: None

Abstract: Comprehensive regulations governing the Small Business Development Center Program.

Timetable:

Action	Date	FR Cite
NPRM	10/23/86	51 FR 37580
Comment period extended to 1/21/87	11/24/86	51 FR 42255
NPRM Comment Period End	01/27/87	

Next Action Undetermined

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act of 1989 (PL 100-459) prohibits the Small Business Administration from using appropriated funds to adopt or implement any rules or regulations for the Small Business Development Center program. Therefore, no action will be taken on this rule at this time. Future actions will depend upon FY 90 Appropriations legislation.

Agency Contact: Janice Wolf, Deputy Associate Administrator for Business Development, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6768

RIN: 3245–AB17

3456. SMALL BUSINESS SIZE STANDARDS: RESIDUAL SIZE STANDARDS

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes size standard for industries for which no size standard has been previously established.

Timetable:

Action	Date	FR Cite
NPRM	02/09/89	54 FR 6298
NPRM Comment Period End	03/13/89	
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB57

3457. SMALL BUSINESS SIZE STANDARDS: NONMANUFACTURERS

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes size standard for nonmanufacturers.

Timetable:

Action	Date	FR Cite
NPRM	04/28/88	53 FR 15232
NPRM Comment Period End	05/13/88	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB58

3458. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS; PROPOSED REVISION OF CIRCULAR A-110

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 143

Legal Deadline: None

Abstract: This regulation establishes a uniform administrative rule for the SBA's grants and cooperative agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44710
NPRM Comment Period End	01/03/89	
Final Action	06/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, DC 20416, 202 653-6573

RIN: 3245–AB67

3459. BUSINESS LOANS, FEES

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a)

CFR Citation: 13 CFR 120.104-2(e)

Legal Deadline: None

Abstract: A lender or associate will be permitted to charge an applicant for an SBA loan reasonable fees for packaging and/or other services. SBA will not ordinarily review such fees but it will investigate if an applicant complains.

Timetable:

Action	Date	FR Cite
NPRM	08/30/88	53 FR 33141
NPRM Comment Period End	10/31/88	
Final Action	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804-D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB71

3460. SMALL BUSINESS SIZE STANDARDS: SIZE STANDARD FOR COMMODITY CONTRACTS BROKERS AND DEALERS

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishment of size standard of $3.5 million annual receipts for commodity contracts brokers and dealers, Standard Industrial Classification (SIC) Code 6221, for which no size standard exists at present.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/09/88	53 FR 29876
Final Action	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB72

3461. ● SURETY BOND GUARANTEE

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6); 15 USC 687(c); 15 USC 694(d); PL 100-590

CFR Citation: 13 CFR 115

Legal Deadline: Final, Statutory, May 2, 1989.

Abstract: This regulation implements changes necessitated by the Preferred Surety Bond Guarantee Program Act of 1988, Title II of Pub. L. 100-590. The regulation changes the method of computing the guarantee fee charged by SBA to the surety from a flat dollar amount to 20 percent of the premium. It also provides for additional guarantee fees or refunds, whenever the contract amount is increased or decreased in excess of 25 percent or $50,000, whichever is less.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: James W. Parker, Jr., Director, Office of Surety Guarantees, Small Business Administration, 4040 N. Fairfax Drive, Suite 500, Arlington, VA 22203, 703 235-2900

RIN: 3245–AB77

3462. ● BUSINESS LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); PL 100-418

CFR Citation: 13 CFR 122

Legal Deadline: None

Abstract: This regulation will implement changes contained in the Omnibus Trade and Competitiveness Act of 1988, relating to export loans.

Timetable:

Action	Date	FR Cite
NPRM	12/27/88	53 FR 52187
NPRM Comment Period End	02/27/89	
Final Action	06/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Gail Hepler, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-6570

RIN: 3245–AB82

3463. ● SMALL BUSINESS SIZE REGULATIONS

Significance: Agency Priority

Legal Authority: 15 USC 636(b)(6); PL 100-590

CFR Citation: 13 CFR 121

Legal Deadline: NPRM, Statutory, March 15, 1989. Final, Statutory, May 3, 1989.

Abstract: Rule to establish a procedure for appeal to SBA against award of a small business set-aside procurement to

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a nonprofit organization for the handicapped.

Timetable:

Action	Date	FR Cite
NPRM	03/15/89	
Final Action	05/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Monika Edwards Harrison, Associate Administrator for, Procurement Assistance, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB87

3464. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES; MINIMUM AMOUNT OF POOL CERTIFICATES

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697; 15 USC 697a; 15 USC 697b

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This regulation reduces the minimum amount of Development Company debenture pool certificates from the present $100,000 to $25,000.

Timetable:

Action	Date	FR Cite
NPRM	10/03/88	53 FR 38737
NPRM Comment Period End	11/02/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Edwin Holloway, Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, DC 20416, 202 653-6632

RIN: 3245–AB89

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

3465. SIZE STANDARD: REAL ESTATE AGENTS

Significance: Regulatory Program

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishing a size standard for the real estate agents industry for the first time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27418
Final Action	02/09/89	54 FR 6267

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AA88

3466. MINORITY SMALL BUSINESS

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Regulations governing the participation of Indian tribes in the Section 8(a) program.

Timetable:

Action	Date	FR Cite
Thia regulation has been merged into RIN 3245-AB76	02/24/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This regulation has been subsumed into RIN 3245-AB76, regulations promulgated under the Business Opportunity Development Reform Act of 1988.

Agency Contact: Joseph Montes, Acting Associate Administrator, Minority, Small Business/Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, D.C. 20416, 202 653-6407

RIN: 3245–AB26

3467. PROGRAM FRAUD CIVIL REMEDIES REGULATIONS

Legal Authority: PL 99-501, Sec 6103

CFR Citation: 13 CFR 141

Legal Deadline: NPRM, Statutory, April 21, 1987.

Abstract: Regulations implementing the Program Fraud Civil Remedies Act

Timetable:

Action	Date	FR Cite
NPRM	05/21/87	52 FR 19156
NPRM Comment Period End	06/22/87	52 FR 19156
Final Action	02/09/89	54 FR 6271

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Patricia R. Forbes, Chief Counsel for Legislation, Small Business Administration, 1441 L Street, N.W., Room 722, Washington, D.C. 20416, 202 653-6573

RIN: 3245–AB27

3468. SMALL BUSINESS LENDING COMPANIES

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120.302

Legal Deadline: None

Abstract: Cancellation of participation authority of Small Business Lending Companies that have not been active for five years or more.

Timetable:

Action	Date	FR Cite
Withdrawn	01/09/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: SBA determined that the right of Small Business Lending Companies would be more fully protected in individual

hearings before disinterested administrative judges. These hearing procedures are already established. Therefore, regulatory change is not needed.

Agency Contact: Jean P. LaForce, Acting Director, Office of Financial Institutions, Small Business Administration, 1441 L Street, N.W., Room 804, Washington, DC 20416, 202 653-2585

RIN: 3245–AB30

3469. MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT ASSISTANCE

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Technical corrections and substantive changes to provisions on 8(a) program eligibility.

Timetable:

Action	Date	FR Cite
This regulation has been merged into RIN 3245-AB76	02/24/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This regulation has been subsumed into RIN 3245-AB76, regulations promulgated under the Business Opportunity Development Reform Act of 1988.

Agency Contact: Francisco Marrero, Director, Office of Program Eligibility/, MSB/COD, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, D.C. 20416, 202 653-6407

RIN: 3245–AB31

3470. SMALL BUSINESS SIZE STANDARDS FOR CONSTRUCTION

Significance: Regulatory Program

Legal Authority: PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Rule to amend size standards for the construction industry division (except heavy construction, not elsewhere classified, and dredging). Size standard amendments and subcontracting limitations are made pursuant to requirements in PL 99-591 and PL 99-661.

Timetable:

Action	Date	FR Cite
ANPRM	03/17/87	52 FR 08261
ANPRM Comment Period End	04/16/87	52 FR 08261
NPRM	12/17/87	52 FR 47937
NPRM Comment Period End	02/16/88	
Withdrawn PL 100-656 repealed this requirement.	01/13/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: PL 99-591 and PL 99-661 directed SBA to revise its size regulation for construction. The Business Opportunity Development Reform Act of 1988 (PL 100-656) prohibits SBA from changing the size standards in effect on September 30, 1988 until December 31, 1992.

Agency Contact: Gene VanArsdale, Director, Office of Procurement Policy and Liaison, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, D.C. 20416, 202 653-6588

RIN: 3245–AB38

3471. SMALL BUSINESS SIZE STANDARDS: HAZARDS WASTE TREATMENT

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Study of hazardous waste treatment industry.

Timetable:

Action	Date	FR Cite
Withdrawn PL 100-656 repealed the requirement for this regulation.	01/12/89	
Begin Review	09/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: SBA has decided not to pursue this study at the present time.

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Washington, DC 20416, 202 653-6373

RIN: 3245–AB53

3472. SMALL BUSINESS SIZE STANDARDS: NAVAL ARCHITECTURE AND MARINE ENGINEERING

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Study of Naval architecture and Marine engineering for size standards purposes.

Timetable:

Action	Date	FR Cite
Withdrawn PL 100-656 repealed the requirement for this regulation.	01/13/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The Business Opportunity Development Reform Act (PL 100-656) prohibits SBA from raising the size standard for architecture and engineering services. Naval Architecture is within this industry category. Thus, there is no need for this study at the present time.

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB54

3473. SMALL BUSINESS SIZE STANDARDS: AIRCRAFT, GUIDED MISSILES, AND SPACE VEHICLE RESEARCH AND DEVELOPMENT

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishes small business size standard for aircraft, guided missiles and space vehicles.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/88	53 FR 10244
Final Action	10/27/88	53 FR 43422

Action	Date	FR Cite
Final Action Effective	10/27/88	53 FR 43422

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB59

3474. SMALL BUSINESS SIZE STANDARDS: REFUSE SYSTEMS AND SURVEYING AND MAPPING

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of refuse systems and surveying and mapping industries for size standard purposes.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/88	
Withdrawn	01/13/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: PL 99-691 and PL 99-661 directed SBA to revise its size regulation for refuse system and surveying and mapping. The Business Opportunity Development Reform Act of 1988 (PL 100-656) repealed this requirement.

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB61

3475. SMALL DISADVANTAGED BUSINESS STATUS APPEALS PROCEDURES

Significance: Agency Priority

Legal Authority: 15 USC 634(b)(6); PL 99-66, Sec 1207(a)

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Procedural rules to be used whenever SBA is asked to make a determination concerning disadvantaged status of a small business concern.

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21482
NPRM Comment Period End	07/08/88	
Final Action	03/13/89	54 FR 10271
Final Action Effective	03/13/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Joseph Montes, Acting, Associate Administrator for Minority Small, Business & Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, DC 20416, 202 653-6407

RIN: 3245–AB63

3476. REVISION OF RULES ON ADVANCED PAYMENTS, BUSINESS DEVELOPMENT EXPENSE AND CONTRACTS

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124

Legal Deadline: None

Abstract: Revision of sections on Advanced Payments, Business Development Expense and Contracts. Technical changes and clarifications. Possible substantive changes to section on subcontracting limitations.

Timetable:

Action	Date	FR Cite
This regulation has been merged into RIN 3245-AB76	02/24/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This regulation has been subsumed into RIN 3245-AB76, regulations promulgated under the Business Opportunity Development Reform Act of 1988.

Agency Contact: Joseph Montes, Acting Associate Administrator for Minority, Small Business/Capital Ownership Development, Small Business Administration, 1441 L Street, N.W., Room 602, Washington, DC 20416, 202 653-6407

RIN: 3245–AB68

3477. SIZE STANDARD FOR REFUSE AND GARBAGE COLLECTION SERVICES

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 99-591; PL 99-661

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Establishment of size standard of $1.5 million for refuse and garbage collection services within Standard Industrial Classification (SIC) Codes 4212 (Local Trucking Without Storage) and 4953 (Refuse Systems) in compliance with PL 99-591 and PL 99-661 which direct the SBA to revise its size standards for refuse systems and related services if the total dollar value of small business set-aside and section 8(a) program awards for these activities exceed 30 per cent of the dollar value of overall Federal procurements for these activities.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30691
Correction	08/26/88	53 FR 32821
NPRM Comment Period End	10/14/88	53 FR 36990
Final Action	01/13/89	
Withdrawn Repealed by PL 100-656.	01/13/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: PL 99-591 and 99-661 directed SBA to revise its size regulations for refuse and garbage collection services. The Business Opportunity Development Reform Act of 1988 (PL 100-656) repealed this requirement.

Agency Contact: Monika E. Harrison, Chairperson, Size Policy Board, Small Business Administration, 1441 L Street, N.W., Room 600, Washington, DC 20416, 202 653-6635

RIN: 3245–AB70

3478. DISASTER LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b); 15 USC 636(c); 15 USC 636(f); PL 98-270, Title III; PL 99-272, Sec 18006

CFR Citation: 13 CFR 123

Legal Deadline: None

Abstract: Amend disaster loan regulation by authorizing SBA to establish a flexible repayment schedule during the first two years of a disaster loan, reflecting the borrower's ability to pay. Rule would also harmonize SBA's disaster loan making authority with the Federal Emergency Management Administration's (FEMA) standard flood insurance policy.

Timetable:

Action	Date	FR Cite
NPRM	08/08/88	53 FR 29691
NPRM Comment Period End	10/07/88	
Final Action	02/09/89	54 FR 6268
Final Action Effective	02/09/89	54 FR 6268

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Bernard Kulik, Deputy Associate Administrator for, Disaster Assistance, Small Business Administration, 1441 L Street, N.W., Room 820, Washington, DC 20416, 202 653-6879

RIN: 3245–AB74

3479. SMALL BUSINESS SIZE STANDARDS FOR SURVEYING AND MAPPING SERVICES

Significance: Regulatory Program

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 99-591, Sec 921; PL 99-661, Sec 921

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: Review of size standards for surveying and mapping services pursuant to the National Defense Authorization Act of 1987 (PL 99-661). Purpose of the review is to ensure that small business set-aside plus 8(a) contracts together account for no more than approximately 30 percent of the total value of Federal contracts for each industry covered by the legislation. Adjustment of the size standard for both surveying and mapping services in Standard Industrial Classification (SIC) Code 8713 to $.75 million in gross annual receipts.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30689
NPRM Comment Period End	09/14/88	
Final Action	01/13/89	
Withdrawn PL 100-656 repealed the requirement for this regulation.	01/13/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: PL 99-661 directed SBA to revise its size regulations for surveying and mapping services. The Business Opportunity Development Reform Act of 1988 (PL 100-656) repealed this requirement.

Agency Contact: Gary M. Jackson, Director, Size Standards Staff, Small Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB75

3480. ● LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Legal Authority: 15 USC 687(c); 15 USC 695; 15 USC 696; 15 USC 697; 15 USC 697a; 15 USC 697b; 15 USC 697c; PL 100-590

CFR Citation: 13 CFR 108

Legal Deadline: None

Abstract: This rule implements changes to the Development Company regulations required by PL 100-590.

Timetable:

Action	Date	FR Cite
Final Action This rule implements statutory changes in PL 100-590.	02/09/89	54 FR 6225

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: LeAnn Oliver, Financial Analyst, Small Business Administration, 1441 L Street, N.W., Room 720, Washington, DC 20416, 202 653-6986

RIN: 3245–AB78

3481. ● GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Significance: Agency Priority

Legal Authority: EO 12549; 41 USC 701, et seq; 15 USC 634(b)(6)

CFR Citation: 13 CFR 145

Legal Deadline: None

Abstract: Governmentwide common rule to implement the Drug-free Workplace Act of 1988.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4947
Final Action This rule becomes effective on March 18, 1989	03/18/89	
Final Action Effective	03/18/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This rule becomes effective on March 18, 1989.

Agency Contact: Katherine C. Powers, Attorney Advisor, Small Business Administration, 1441 L Street, N.W., Room 706, Washington, DC 20416, 202 653-5628

RIN: 3245–AB79

3482. ● SMALL BUSINESS SIZE STANDARDS

Significance: Agency Priority

Legal Authority: 15 USC 632(a); 15 USC 634(b)(6); PL 100-656

CFR Citation: 13 CFR 121

Legal Deadline: None

Abstract: This regulation segments the industry category of shipbuilding and ship repair.

Timetable:

Action	Date	FR Cite
Emergency final rule	02/16/89	54 FR 7029

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gary Jackson, Director, Size Standards Staff, Small

Business Administration, 1441 L Street, N.W., Room 601, Washington, DC 20416, 202 653-6373

RIN: 3245–AB80

3483. ● BUSINESS LOANS

Legal Authority: 15 USC 634(b)(6); 15 USC 636(a); 15 USC 636(h); PL 100-590

CFR Citation: 13 CFR 120

Legal Deadline: None

Abstract: This rule implements the issuance by SBA of trust certificates representing ownership of all or a fractional part of the SBA-guaranteed portions of financings more to State and local development companies. The regulation remakes the exclusion of such loans from the eligibility for pool formation and requires that such certificates be separately issued.

Timetable:

Action	Date	FR Cite
Final Action - this rule implements statutory changes in PL 100-590.	03/07/89	54 FR 9424
Final Action Effective	03/07/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for, Financial Assistance, Small Business Administration, 1441 L Street, N.W., Room 804D, Washington, DC 20416, 202 653-6574

RIN: 3245–AB83

[FR Doc. 89-5857 Filed 04-21-89; 8:45 am]

BILLING CODE 8025-01-T

federal register

Monday
April 24, 1989

Part XLIII

Tennessee Valley Authority

Semiannual Regulatory Agenda

TENNESSEE VALLEY AUTHORITY (TVA)

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations. However, TVA has two regulations under development and also has published a notice of intent with regard to a third regulation. TVA is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the persons listed.

W. F. Willis,

Executive Vice President and Chief Operating Officer.

TENNESSEE VALLEY AUTHORITY (TVA) — Proposed Rule Stage

3484. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Legal Deadline: None

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal, through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Maxwell D. Ramsey, Manager, Cultural Resources, Tennessee Valley Authority, 238 Natural Resources Building, Norris, TN 37828, 615 632-1585

RIN: 3316–AA02

3485. ALTERNATIVE PROGRAM FOR SHARING PATENT-RELATED INCOME

Legal Authority: 15 USC 3710, amended by PL 99-502

CFR Citation: 18 CFR Not yet determined

Legal Deadline: Final, Statutory, October 1988.
The royalty-sharing program under the statute must be implemented if the alternative program has not been implemented by October 1988; however, the statute does not preclude (cont)

Abstract: Pursuant to new section 14 of the Stevenson-Wydler Act, TVA has elected to promulgate regulations providing for an alternative program for sharing royalties and other patent-related income with its employee-inventors.

Timetable:

Action	Date	FR Cite
ANPRM	01/14/87	52 FR 1469
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: LEGAL DEADLINE CONT: implementations of an alternative program at a later date.

Agency Contact: H. Brown Wright, Program Coordinator Manager, Manufacturing, Technology Utilization, Tennessee Valley Authority, 601 West Summit Hill Drive, OCH 2D 46B-K, Knoxville, TN 37902-1499, 615 632-6435

RIN: 3316–AA05

3486. NONDISCRIMINATION ON THE BASIS OF SEX IN FEDERALLY ASSISTED EDUCATIONAL PROGRAMS

Legal Authority: 20 USC 1682; 16 USC 831 to 831dd

CFR Citation: 18 CFR Not yet determined

Legal Deadline: None

Abstract: This regulation implements 20 USC 1681 which assures nondiscrimination on the basis of sex in educational programs or activities receiving financial assistance from Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Freddie L. Hogan, Manager, Contracts and Community Assistance Section, Tennessee Valley Authority, 417 Chemical Engineering Building, Muscle Shoals, AL 35660, 205 872-2048

RIN: 3316–AA13

[FR Doc. 89-7108 Filed 04-21-89; 8:45 am]

BILLING CODE 8120-01-T

federal register

Monday
April 24, 1989

Part XLIV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

Federal Acquisition Regulation;
Semiannual Regulatory Agenda

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. I

Semiannual Agenda

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in compliance with Executive Order 12291, Federal Regulation. This agenda is being published to allow interested persons an opportunity to participate in the rulemaking process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication, except for minor and routine or repetitive actions, however, unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Margaret A. Willis, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DOD, GSA, and NASA, under their several statutory authorities, jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FAC's). None of the regulations listed in this agenda are considered major under Executive Order 12291, Federal Regulation.

Dated: February 14, 1989.

Harry S. Rosinski,

Acting Director, Office of Federal Acquisition and Regulatory Policy.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3487	Amendment to Federal Acquisition Regulation (FAR Case 87-43)	9000-AC06

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3488	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-10(FAR Case 85-32)	9000-AA00
3489	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-9	9000-AA01
3490	Federal Acquisition Regulation (FAR) - Federal Acquisition Circular 84-11	9000-AA02
3491	Amendment to Federal Acquisition Regulation (FAR Case 84-45)	9000-AA29
3492	Amendment to Federal Acquisition Regulation (FAR Case 85-16)	9000-AA35
3493	Amendment to Federal Acquisition Regulation (FAR Cases 86-12 and 88-35)	9000-AA97
3494	Amendment to Federal Acquisition Regulation (FAR Case 86-33)	9000-AB18
3495	Amendment to Federal Acquisition Regulation (FAR Case 86-51)	9000-AB37
3496	Amendment to Federal Acquisition Regulation (FAR Case 86-69)	9000-AB55
3497	Amendment to Federal Acquisition Regulation (FAR Case 87-13)	9000-AB73
3498	Amendment to Federal Acquisition Regulation (FAR Case 87-24)	9000-AB83
3499	Amendment to Federal Acquisition Regulation (FAR Case 87-25)	9000-AB84
3500	Amendment to Federal Acquisition Regulation (FAR Case 87-37)	9000-AC00
3501	Amendment to Federal Acquisition Regulation (FAR Case 87-41)	9000-AC04
3502	Amendment to Federal Acquisition Regulation (FAR Case 87-51)	9000-AC14
3503	Amendment to Federal Acquisition Regulation (FAR Case 87-54)	9000-AC17
3504	Amendment to Federal Acquisition Regulation (FAR Case 88-6)	9000-AC19
3505	Amendment to Federal Acquisition Regulation (FAR Case 88-7)	9000-AC20
3506	Amendment to Federal Acquisition Regulation (FAR Case 88-9)	9000-AC22
3507	Amendment to Federal Acquisition Regulation (FAR Case 88-10)	9000-AC23
3508	Amendment to Federal Acquisition Regulation (FAR Case 88-15)	9000-AC28
3509	Amendment to Federal Acquisition Regulation (FAR Case 88-16)	9000-AC29
3510	Amendment to Federal Acquisition Regulation (FAR Case 88-19)	9000-AC32
3511	Amendment to Federal Acquisition Regulation (FAR Case 88-22)	9000-AC35
3512	Amendment to Federal Acquisition Regulation (FAR Case 88-25)	9000-AC37
3513	Amendment to Federal Acquisition Regulation (FAR Case 88-26)	9000-AC38
3514	Amendment to Federal Acquisition Regulation (FAR Case 88-29)	9000-AC41
3515	Amendment to Federal Acquisition Regulation (FAR Case 88-30)	9000-AC42
3516	Amendment to Federal Acquisition Regulation (FAR Case 88-31)	9000-AC43

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Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3517	Amendment to Federal Acquisition Regulation (FAR Case 88-36)	9000-AC47
3518	Amendment to Federal Acquisition Regulation (FAR Case 88-37)	9000-AC48
3519	Amendment to Federal Acquisition Regulation (FAR Case 88-42)	9000-AC53
3520	Amendment to Federal Acquisition Regulation (FAR Case 88-43)	9000-AC54
3521	Amendment to Federal Acquisition Regulation (FAR Case 88-44)	9000-AC55
3522	Amendment to Federal Acquisition Regulation (FAR Case 88-47)	9000-AC58
3523	Amendment to Federal Acquisition Regulation (FAR Case 88-49)	9000-AC60
3524	Amendment to Federal Acquisition Regulation (FAR Case 88-54)	9000-AC65
3525	Amendment to Federal Acquisition Regulation (FAR Case 88-56)	9000-AC67
3526	Amendment to Federal Acquisition Regulation (FAR Case 88-57)	9000-AC68
3527	Amendment to Federal Acquisition Regulation (FAR Case 88-60)	9000-AC71
3528	Amendment to Federal Acquisition Regulation (FAR Case 88-61)	9000-AC72
3529	Amendment to Federal Acquisition Regulation (FAR Case 88-62)	9000-AC73
3530	Amendment to Federal Acquisition Regulation (FAR Case 88-63)	9000-AC74
3531	Amendment to Federal Acquisition Regulation (FAR Case 88-64)	9000-AC75
3532	Amendment to Federal Acquisition Regulation (FAR Case 88-66)	9000-AC77
3533	Amendment to Federal Acquisition Regulation (FAR Case 88-67)	9000-AC78
3534	Amendment to Federal Acquisition Regulation (FAR Case 88-68)	9000-AC79
3535	Amendment to Federal Acquisition Regulation (FAR Case 88-70)	9000-AC80
3536	Amendment to Federal Acquisition Regulation (FAR Case 88-69)	9000-AC81
3537	Amendment to Federal Acquisition Regulation (FAR Case 88-71)	9000-AC82
3538	Amendment to Federal Acquisition Regulation (FAR Case 88-72)	9000-AC83
3539	Amendment to Federal Acquisition Regulation (FAR Case 89-6)	9000-AC84
3540	Amendment to Federal Acquisition Regulation (FAR Case 89-7)	9000-AC85
3541	Amendment to Federal Acquisition Regulation (FAR Case 89-8)	9000-AC86
3542	Amendment to Federal Acquisition Regulation (FAR Case 89-9)	9000-AC87
3543	Amendment to Federal Acquisition Regulation (FAR Case 89-10)	9000-AC88
3544	Amendment to Federal Acquisition Regulation (FAR Case 89-11)	9000-AC89
3545	Amendment to Federal Acquisition Regulation (FAR Case 89-12)	9000-AC90
3546	Amendment to Federal Acquisition Regulation (FAR Case 89-13)	9000-AC91

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3547	Amendment to Federal Acquisition Regulation (FAR Case 86-58)	9000-AB44
3548	Amendment to Federal Acquisition Regulation (FAR Case 86-67)	9000-AB54
3549	Amendment to Federal Acquisition Regulation (FAR Case 87-33)	9000-AB88
3550	Amendment to Federal Acquisition Regulation (FAR Case 87-34)	9000-AB97
3551	Amendment to Federal Acquisition Regulation (FAR Case 87-36)	9000-AB99
3552	Amendment to Federal Acquisition Regulation (FAR Case 87-39)	9000-AC02
3553	Amendment to Federal Acquisition Regulation (FAR Case 87-42)	9000-AC05
3554	Amendment to Federal Acquisition Regulation (FAR Case 87-50)	9000-AC13
3555	Amendment to Federal Acquisition Regulation (FAR Case 88-17)	9000-AC30
3556	Amendment to Federal Acquisition Regulation (FAR Case 88-21)	9000-AC34
3557	Amendment to Federal Acquisition Regulation (FAR Case 88-27)	9000-AC39
3558	Amendment to Federal Acquisition Regulation (FAR Case 88-28)	9000-AC40
3559	Amendment to Federal Acquisition Regulation (FAR Case 88-32)	9000-AC44
3560	Amendment to Federal Acquisition Regulation (FAR Case 88-34)	9000-AC45
3561	Amendment to Federal Acquisition Regulation (FAR Case 88-24)	9000-AC46
3562	Amendment to Federal Acquisition Regulation (FAR Case 88-38)	9000-AC49
3563	Amendment to Federal Acquisition Regulation (FAR Case 88-39)	9000-AC50
3564	Amendment to Federal Acquisition Regulation (FAR Case 88-40)	9000-AC51
3565	Amendment to Federal Acquisition Regulation (FAR Case 88-41)	9000-AC52
3566	Amendment to Federal Acquisition Regulation (FAR Case 88-45)	9000-AC56
3567	Amendment to Federal Acquisition Regulation (FAR Case 88-46)	9000-AC57
3568	Amendment to Federal Acquisition Regulation (FAR Case 88-48)	9000-AC59
3569	Amendment to Federal Acquisition Regulation (FAR Case 88-50)	9000-AC61
3570	Amendment to Federal Acquisition Regulation (FAR Case 88-51)	9000-AC62
3571	Amendment to Federal Acquisition Regulation (FAR Case 88-52)	9000-AC63

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Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3572	Amendment to Federal Acquisition Regulation (FAR Case 88-53)	9000-AC64
3573	Amendment to Federal Acquisition Regulation (FAR Case 88-55)	9000-AC66
3574	Amendment to Federal Acquisition Regulation (FAR Case 88-58)	9000-AC69
3575	Amendment to Federal Acquisition Regulation (FAR Case 88-59)	9000-AC70
3576	Amendment to Federal Acquisition Regulation (FAR Case 88-65)	9000-AC76

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Proposed Rule Stage

3487. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-43)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To invite comments concerning the development of changes to the FAR on the allowability of costs incident to mergers and other business combinations.

Timetable:

Action	Date	FR Cite
ANPRM	10/28/87	52 FR 41474
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC06

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Final Rule Stage

3488. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10(FAR CASE 85-32)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 7; 48 CFR 15; 48 CFR 19; 48 CFR 34; 48 CFR 52

Legal Deadline: Final, Statutory, May 1, 1985.

Abstract: (1) Implement Sec. 1213 of Pub. L. 98-525 and Sec. 201 of Pub. L. 98-577 by (a) requiring that the contracting officer, prior to contracting, review the acquisition history of the supplies or services and the description of the supplies, and (b) specifying new requirements applicable to planning for the solicitation of a major system production contract; (2) Implement Sec. 1245 of Pub. L. 98-525 and Sec. 501 of Pub. L. 98-577 by specifying that offerors/contractors (a) are required to distribute costs within contracts on a basis that ensures that unit prices of supplies are in proportion to the item's base cost, (b) may be required to identify supplies that they will not manufacture or to which they will not contribute significant value, and (c) are required to flow the requirement down to subcontractors; (3) Implement Sec. 1216 of Pub. L. 98-525 and Sec. 204 of Pub. L. 98-577 by requiring offerors/contractors in certain acquisitions to certify that the prices offered for those items of supply that the contractor offers for sale to the public are no higher than any lower price charged to any other customer during the preceding 60 days, or submit a written justification for any (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/03/85	50 FR 27560
Final Action FAR Case 85-23, Small Business Subcontracting Policy	07/29/86	51 FR 27114
Final Action FAR Case 85-28, Integrity of Unit Prices	07/29/86	51 FR 27114
Final Action FAR Case 85-11, Definition of Major System	07/29/86	51 FR 27114
Final Action FAR Case 85-30, Planning for Future Competition	07/29/86	51 FR 27114
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: differences; (4) Implement Sec. 402 of Pub. L. 98-577 by (a) widening the area where subcontracting possibilities are considered to exist, (b) further specifying the types of acquisitions that are to be considered for contracting and subcontracting with small and small disadvantaged business concerns, and (c) stating the policy of the United States that its prime contractors establish procedures to ensure timely payments to small and small disadvantaged subcontractors;

and (5) Implement Sec. 1211 of Pub. L. 98-525 and Sec. 102 of Pub. L. 98-577 by specifying a definition of "major system."

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA00

3489. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 12; 48 CFR 33; 48 CFR 52

Legal Deadline: None

Abstract: To revise the FAR to comply with revised Department of Justice advice concerning the General Accounting Office (GAO) "stay" provisions in 31 U.S.C. 3553(c) and (d) and the GAO "damages" provision in 31 U.S.C. 3554(c) regarding payment of costs of filing and pursuing a protest and preparing the bid and proposal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/85	50 FR 25680
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA01

3490. FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 3; 48 CFR 7; 48 CFR 9; 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: Final, Statutory, May 1, 1985.

Abstract: To revise the FAR to (1) Prohibit contractors and subcontractors from asserting or agreeing to unreasonable restrictions on direct sales by subcontractors to the Government; (2) Prescribe policies, procedures, and a solicitation provision for gathering and using information from offerors to assist the Government in planning the most advantageous quantities in which supplies should be purchased; and (3) Prescribe policies, procedures, and a solicitation provision regarding the establishment and enforcement of qualification requirements for sources and products.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/85	50 FR 35474
Final Action FAR Case 85-37 Unreasonable Restrictions on Subcontractor Sales	07/29/86	51 FR 27114
Final Action FAR Case 85-36 Economic Order Quantities	08/12/87	52 FR 30074
Final Action FAR Case 85-38 merged into FAR Case 86-67	08/08/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA02

3491. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 84-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 3

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to implement OFPP Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Steets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA29

3492. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 85-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 52

Legal Deadline: None

Abstract: Amend the Federal Acquisition Regulation to provide guidance under the rules of sealed bidding with respect to acceptable evidence in establishing the date of mailing of a late bid.

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11522
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA35

3493. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASES 86-12 AND 88-35)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to revise Standard Form 1417 to (1) eliminate unnecessary delays in securing solicitation documents by requiring construction contractors to obtain a certified check or cashiers check, and (2) require inclusion of the contractor's telephone number on the SF 1417.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

FAR

Final Rule Stage

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AA97

3494. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-33)

Legal Authority: 40 USC 486(c); 42 USC 2473(c); 10 USC Chapter 137

CFR Citation: 48 CFR 48; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to incorporate changes to provide improved value engineering coverage, as well as those changes necessitated by OMB Circular A-131, Value Engineering.

Timetable:

Action	Date	FR Cite
NPRM	09/02/86	51 FR 31197
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB18

3495. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 32; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR regarding penalties charged under DOD contracts for submission of defective cost or pricing data and interest charged from the date of overpayment on all Government contracts in defective pricing cases.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB37

3496. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-69)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15; 48 CFR 31; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to include more specific regulatory coverage concerning the termination of overfunded defined benefit pension plans and the resultant employer withdrawal of excess pension fund assets.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4084
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB55

3497. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-13)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 13; 48 CFR 19; 48 CFR 52

Legal Deadline: Final, Statutory, April 16, 1987.

Abstract: To amend the Federal Acquisition Regulation to (1) raise the threshold for publicizing proposed acquisitions, other than sole source acquisitions, from $10,000 to $25,000, (2) require posting of notices of solicitations expected to exceed $10,000 but not to exceed $25,000, and (3) raise the limitation for small business, small purchase set-asides from $10,000 to $25,000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/09/87	52 FR 21885
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB73

3498. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 44; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation concerning debarment and suspension procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/31/87	52 FR 28642
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB83

3499. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation concerning guaranteed maximum shipping weights and dimensions.

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 31722
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB84

3500. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to provide a simplified contract format and allow annual submission of contractor's representations and certifications.

Timetable:

Action	Date	FR Cite
NPRM	10/27/87	52 FR 41390
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC00

3501. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-41)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to prescribe and illustrate the latest edition of Standard Form 1409, Abstract of Offers, and Standard Form 1409A, Abstract of Offers-Continuation Sheet.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC04

3502. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to prescribe uniform procedures regarding nonpersonal services contracts for health care services.

Timetable:

Action	Date	FR Cite
NPRM	01/27/88	53 FR 2464
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC14

3503. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 33

Legal Deadline: None

Abstract: To amend the FAR to clarify the policy of the Government concerning demands for payment of contract debts owed to the Government.

Timetable:

Action	Date	FR Cite
NPRM	01/28/88	53 FR 2577
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC17

3504. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify procedures applicable when converting an acquisition from sealed bidding to negotiation.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3814
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC19

3505. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to permit contracting offices an option provision which enables the Government to require continued performance of any services within the limits and at the rate specified in a contract.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3814
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC20

3506. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-9)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to specify that the subcontracting plans for contracts containing options that meet the required threshold for requiring such plans must separately address both the basic and option quantities.

Timetable:

Action	Date	FR Cite
NPRM	02/26/88	53 FR 5928
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC22

3507. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 1; 48 CFR 5; 48 CFR 22; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to incorporate the implementation of the Department of Labor regulations regarding the Service Contract Act.

Timetable:

Action	Date	FR Cite
NPRM	02/22/88	53 FR 5928
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC23

3508. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-15)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32

Legal Deadline: None

Abstract: To amend the FAR to allow the contracting officer the authority to limit progress payments on first article work by a stated dollar amount or percentage.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8734
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC28

3509. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-16)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14

Legal Deadline: None

Abstract: To amend the FAR to clarify the obligation of the contracting officer to disclose all appropriate information when requesting additional evidence to support a contractor's bid when there is a basis to believe that the bid might contain a mistake.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 8734
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC29

3510. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-19)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4

Legal Deadline: None

Abstract: To amend the FAR to extend the record retention period for contractors who submit late annual indirect cost rate proposals and clarify the meaning of "record" to include computer input data.

Timetable:

Action	Date	FR Cite
NPRM	06/17/88	53 FR 23105
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC32

3511. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-22)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require that, if a contractor or subcontractor, obtains a reduction of its U.S. income tax liability because of foreign tax credits under the IRS, the amount of the reduction shall be credited back to the U.S. Government at the time the foreign tax credit is given.

Timetable:

Action	Date	FR Cite
NPRM	04/14/88	53 FR 12501
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC35

3512. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-25)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 36; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise SF 1419, Abstract of Offers--Construction, to make the form more functional when recording offers from seven or more offerors and/or recording offers when the construction contract solicitation requires individual offers on 14 or more line items.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC37

3513. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-26)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to consolidate and amplify requirements dealing with subcontract pricing.

Timetable:

Action	Date	FR Cite
NPRM	07/07/88	53 FR 25572
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC38

3514. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-29)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require contractors to provide advance notice of shipment for categories of material requiring preparation by the consignee for safety and security consideration.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 25102
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC41

3515. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-30)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to clarify FAR plant clearance policies and procedures.

Timetable:

Action	Date	FR Cite
NPRM	07/01/88	53 FR 25084
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC42

3516. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-31)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5; 48 CFR 14; 48 CFR 15; 48 CFR 17; 48 CFR 25

Legal Deadline: Final, Statutory, February 14, 1988.

Abstract: To amend the FAR to incorporate changes necessitated by a major renegotiation of the Government Procurement Code by the U.S. Trade Representative.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/20/88	53 FR 27460
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC43

3517. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to provide clear policy and uniform procedures or furnishing or acquiring special tooling under fixed-price contracts.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 33020
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC47

3518. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-37)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 12; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to increase delivery of excess quantities threshold from $100 to $250 and to modify the clause title accordingly.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32561
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC48

3519. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-42)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 8

Legal Deadline: None

Abstract: To amend the FAR to withdraw coverage pertaining to requirements in 44 USC 501(2) for approval, by the Congressional Joint Committee on Printing, of requirements for acquisition of printing.

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 33017
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC53

3520. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-43)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to add coverage to provide for contractors to submit their taxpayer identification number (TIN) and certain related information to the appropriate contracting office.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/26/88	53 FR 43386
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC54

3521. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-44)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add language prescribing the use of the clause at 52.225-14, Inconsistency Between English Version and Translation of Contracts, when translating a contract into a foreign language.

Timetable:

Action	Date	FR Cite
NPRM	08/25/88	53 FR 32558
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC55

3522. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-47)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 42; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to permit contracting officers to authorize shipment of material F.o.b. origin on prepaid commercial bills of lading and for contractors to be reimbursed for transportation costs.

Timetable:

Action	Date	FR Cite
NPRM	09/30/88	53 FR 38656
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC58

3523. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-49)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to add coverage on the use of master solicitations.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41535
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC60

3524. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-54)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to clarify and strengthen the current cost principle to provide a sufficient basis to adequately question consultant costs.

Timetable:

Action	Date	FR Cite
NPRM	10/21/88	53 FR 41530
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC65

3525. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-56)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify standards for procedures governing Commercial Bills of Lading (CBL's) documentation, payment, and audit.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45742
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC67

3526. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-57)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28; 48 CFR 52; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR concerning individual surety procedures. Among other things, the revisions would require a pledge of assets by an individual surety, prescribe the type of acceptable assets to be submitted, provide for exclusion of individual sureties for cause, revise Standard Form 28, and add an Optional Form.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44564
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC68

3527. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-60)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to revise Standard Form 294, Subcontracting Report for Individual Contracts, and Standard Form 295, Summary Subcontract Report.

Timetable:

Action	Date	FR Cite
NPRM	11/30/88	53 FR 48495
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC71

3528. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-61)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 28

Legal Deadline: None

Abstract: To amend the FAR to clarify existing policy regarding the requirement for bid guarantees.

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53279
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC72

3529. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-62)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to recognize electronic and automated inventory techniques.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC73

3530. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-63)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to increase the threshold for mandatory use of make-or-buy procedures in negotiated contracts from $2 million to $5 million.

FAR **Final Rule Stage**

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC74

3531. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-64)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 22; 48 CFR 23; 48 CFR 36; 48 CFR 37; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to add coverage concerning hazardous material.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC75

3532. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-66)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 19

Legal Deadline: None

Abstract: To amend the FAR to implement the Joint Office of Procurement Policy and Small Business Administration policy directive implementing Title VII of the Business Opportunity Development Act of 1988 (Pub. L. 100-656).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 5052
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC77

3533. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-67)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 23; 48 CFR 52

Legal Deadline: Other, Statutory, February 16, 1989.

Abstract: To amend the FAR to implement the requirements of the Drug-Free Workplace Act (Pub. L. 100-690).

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4967
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC78

3534. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-68)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 14; 48 CFR 15

Legal Deadline: None

Abstract: To amend the FAR to provide notice to offerors and guidance to Government contracting personnel concerning unbalanced bids and proposals.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4230
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC79

3535. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-70)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: Other, Statutory, January 1, 1989.

Abstract: To amend the FAR to implement the United States-Canada Free-Trade Agreement and the United States-Canada Free-Trade Implementation Act of 1988, which added requirements with respect to acquisitions from Canada.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/30/88	53 FR 53340
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC80

3536. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-69)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 32; 48 CFR 52

Legal Deadline: Final, Statutory, April 1, 1989.

Abstract: To amend the FAR to incorporate Pub. L. 100-496, Prompt Payment Amendments of 1988.

FAR

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	12/30/88	53 FR 53364
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC81

3537. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-71)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to provide a means for agencies to indicate in synopses if they are willing to accept electronic requests for solicitation packages.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC82

3538. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-72)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that the Buy American List of Exempt Items is provided for information only and that each agency is responsible for making a determination that an item is exempt from the provisions of the Buy American Act.

Timetable:

Action	Date	FR Cite
NPRM	02/08/89	54 FR 6251
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC83

3539. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-6)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to reflect a new amount for evaluating proposals to determine if a multiple award would be economically advantageous to the Government. The amount is increased for evaluation purposes from $250 to $500.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC84

3540. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-7)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to accommodate the updated Commerce Business Daily Numbered Notes and to establish a system to review and revise Numbered Notes.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC85

3541. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-8)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to add an item, 50 denier rayon yarn, to the Buy American List of Exempt Items.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC86

3542. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-9)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to add an item, rabbit fur felt, to the Buy American List of Exempt Items.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC87

3543. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-10)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: None

Abstract: To amend the FAR to be consistent with the Department of Defense implementation of section 803, Pub. L. 100-456, which authorizes delegation of the authority of the Under Secretary of Defense for Acquisition to approve justifications for other than full and open competition in excess of $10,000,000.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC88

3544. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-11)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to revise the clause at 52.228-5, Insurance-Work on a Government Contract, to eliminate the administrative burden on contracting officers to maintain copies of subcontractor's certificates of insurance. The change does not alter insurance requirements or the documentation to be held by the prime contractor.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC89

3545. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-12)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR to bring the cost principle on unfunded pension costs in line with Cost Accounting Standard 412.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC90

3546. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 89-13)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31; 48 CFR 37; 48 CFR 52

Legal Deadline: Other, Statutory, March 28, 1989.

Abstract: To amend the FAR to assure that severance payments to foreign nationals employed under a service contract performed outside the United States do not exceed the typical rate of severance pay in the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC91

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Completed Actions

3547. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-58)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to (1) clarify service of protest requirements and (2) provide for designation of officials or locations where an information copy of the protest must be delivered.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	51 FR 42805
NPRM Comment Period End	01/26/87	
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB44

3548. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 86-67)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify what constitutes a "qualification requirement" and to whom or what it applies.

Timetable:

Action	Date	FR Cite
NPRM	02/09/87	52 FR 4082
NPRM Comment Period End	04/10/87	
Final Action	09/02/88	53 FR 34224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB54

3549. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-33)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 31

Legal Deadline: None

Abstract: To amend the Federal Acquisition Regulation to delete certain language affecting severance pay.

Timetable:

Action	Date	FR Cite
NPRM	09/17/87	52 FR 35191
Final Action	09/02/88	53 FR 34224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB88

3550. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 29; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement agency agreements with the State of New Mexico that provide for use of "Nontangible Transaction Certificates" by Government cost reimbursement contractors when they purchase tangible property.

Timetable:

Action	Date	FR Cite
NPRM	09/24/87	52 FR 35996
Final Action	09/02/88	53 FR 34224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB97

3551. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-36)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 45

Legal Deadline: None

Abstract: To amend the FAR to require that a contractor's system of record maintenance be sufficient to adequately control Government property and, as a minimum, be equivalent to the contractor's system for maintaining its own property.

Timetable:

Action	Date	FR Cite
NPRM	10/07/87	52 FR 37595
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AB99

3552. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-39)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 19; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement amendments made to sections 8 and 15 of the Small Business Act by section 921, Pub. L. 99-661. The revisions (i) adopt the statutory prohibition against award of set-aside and 8(a) contracts at a price exceeding fair market price; (ii) require that a fair proportion of Government contracts within each industrial category be awarded to small business concerns; and (iii) implement statutory restrictions concerning the extent of subcontracting permitted under set-aside and 8(a) contracts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/14/87	52 FR 38188
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC02

3553. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-42)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 5

Legal Deadline: None

Abstract: To amend the FAR to make optional the synopsizing of advance notices of interest in research and development fields, and to clarify the purpose of such notices.

Timetable:

Action	Date	FR Cite
NPRM	11/05/87	52 FR 42519
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC05

3554. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 87-50)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 7; 48 CFR 10

Legal Deadline: None

Abstract: To amend the FAR to include Governmentwide policies and procedures regarding the use of acquisition streamlining efforts to more efficiently and effectively use resources to develop, produce, or display quality systems.

Timetable:

Action	Date	FR Cite
NPRM	01/04/88	53 FR 100
Final Action	09/02/88	53 FR 34224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC13

3555. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-17)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to implement procurement restrictions contained in Section 109, Pub. L. 100-202 (The FY 1988 Continuing Resolution on Appropriations). The restrictions prohibit any funds appropriated for FY 88 by Pub. L. 100-202 or any other law to be obligated or expended on any contract for construction, alteration, or repair of any public building or public work with any contractor or subcontractor of a foreign country or any supplier of products of a foreign country that is identified by the United States Trade Representative (USTR).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/88	53 FR 12128
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC30

3556. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-21)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 43; 48 CFR 47; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to delete the clause at 52.247-27, Contract Not Affected by Oral Agreement, and its prescription at 47.207-8(b); and to add optional clause 52.243-8, Authorities and Limitations, and its corresponding prescription at 43.106(b).

Timetable:

Action	Date	FR Cite
NPRM	04/08/88	53 FR 11795
Withdrawn	01/25/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC34

3557. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-27)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to eliminate redundant portions of the text already stated in FAR 22.608-2.

Timetable:

Action	Date	FR Cite
Final Action	09/02/88	53 FR 34224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC39

3558. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-28)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 47

Legal Deadline: None

Abstract: To amend the FAR to remind contracting officers that the terms and conditions contained in FAR Subpart 47.3 are applicable to fixed-price contracts, and are only to be used as a guide for cost-reimbursement contracts.

Timetable:

Action	Date	FR Cite
Final Action	09/02/88	53 FR 34224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC40

3559. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-32)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 33

Legal Deadline: None

Abstract: To amend the FAR to reflect changes to the regulations governing bid protests to the GAO. The revisions would allow the protestor to file a request for documents it believes relevant to the protest, and to provide for two types of conferences, one on the merits of the protest and a fact-finding conference.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat),

18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC44

3560. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-34)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 13

Legal Deadline: None

Abstract: To amend the FAR to allow annual review of BPA files by the ordering officer to ensure procedural compliance with the FAR on a random sample basis instead of a semiannual review.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC45

3561. AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-24)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 36

Legal Deadline: None

Abstract: To amend the FAR to clarify the requirement to obtain certified cost or pricing data for negotiated construction contracts.

Timetable:

Action	Date	FR Cite
Final Action	09/02/88	53 FR 34224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC46

3562. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-38)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to allow for the computer generation of standard and optional forms by Federal agencies.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC49

3563. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-39)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 14; 48 CFR 15; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to allow procurements of perishable subsistence to be exempt from the requirement for submission of signed and completed copies of bids/proposals subsequent to submission of telegraphic offers.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC50

3564. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-40)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to clarify that when a solicitation amendment changes one aspect of a solicitation and does not mention other aspects of the solicitation, then those other aspects remain unchanged. The revision is necessary because of an inconsistency in interpretation of the FAR by the General Accounting Office and the General Services Board of Contract Appeals.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC51

3565. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-41)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9

Legal Deadline: None

Abstract: To amend the FAR to require the chief of the contracting office (unless the agency designates a higher level official) to approve the contracting officer's plan for dealing with potential organizational conflicts of interest.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC52

3566. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-45)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 25

Legal Deadline: None

Abstract: To amend the FAR to expedite transmittal of changes in the lists of excess and near-excess currencies.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC56

3567. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-46)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4; 48 CFR 53

Legal Deadline: None

Abstract: To amend the FAR to prescribe revised Standard Forms 279 and 281 for reporting contract actions to the Federal Procurement Data Center.

Timetable:

Action	Date	FR Cite
Final Action	10/26/88	53 FR 43386

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC57

3568. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-48)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 9; 48 CFR 37

Legal Deadline: None

Abstract: To amend the FAR to incorporate the changes called for in the revised OMB Circular A-120, Guidelines for Use of Consulting Services, in an effort to provide greater control over the contracting for advisory and assistance services.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC59

3569. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-50)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 16

Legal Deadline: None

Abstract: To amend the FAR to clarify when contract file documentation is required for contract type selection. For firm fixed-price type contracts, documentation is only required for major systems and research and development contracts.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC61

3570. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-51)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 22

Legal Deadline: None

Abstract: To amend the FAR to permit award of a contract under the urgency or substantial hardship conditions permitted by DOL Regulations (41 CFR 50-201(b)(iii)(A)) when it is found that an otherwise qualified small business concern may be ineligible due to the provisions of Section 35(a) of the Walsh-Healey Act and the case has been forwarded to SBA or DOL for review and final disposition.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC62

3571. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-52)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 6

Legal Deadline: None

Abstract: FAR 6.401 requires contracting officers to document their reasons for not using the sealed bid method of contracting. The Competition in Contracting Act of 1984 requires that sealed bidding be used if certain criteria are met. The FAR has been amended to modify the FAR coverage to require only that the contracting officer briefly explain, in writing, which of the four conditions in FAR 6.401(a) was not met.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC63

3572. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-53)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17

Legal Deadline: None

Abstract: To amend the FAR to (1) lower the authority necessary to waive the requirements in FAR 17.204(e), and (2) clarify that the 5-year limitation on contracts containing options is not based on statute.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC64

3573. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-55)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 30; 48 CFR 31

Legal Deadline: None

Abstract: To amend the FAR cost principles and CAS 412 on unfunded pension costs.

Timetable:

Action	Date	FR Cite
Withdrawn	01/19/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC66

3574. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-58)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 17; 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to eliminate terminology that restricts use of the clause at 52.217-9 in solicitations and contracts for services. The clauses at 52.204-1 and 52.217-6 through 52.217-9 and related clause prefaces are also revised to make them "fill-in-the-blank" type clauses rather than requiring necessary additional information to be provided elsewhere in the contract (i.e., in the contract Schedule, rather than in Section I).

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC69

3575. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-59)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 4

Legal Deadline: None

Abstract: To amend the FAR to revise the requirements for the retention and disposition of copies of unsuccessful offers and quotations to clarify that the nonunique portions of such offers and quotations need not be retained in the official contract file.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC70

3576. ● AMENDMENT TO FEDERAL ACQUISITION REGULATION (FAR CASE 88-65)

Legal Authority: 40 USC 486(c); 10 USC Chapter 137; 42 USC 2473(c)

CFR Citation: 48 CFR 52

Legal Deadline: None

Abstract: To amend the FAR to require (when carrier rates are not publicly filed with any regulatory body) that contractors supply documentation supporting proposals for adjustment submitted under the Changes clause when the place of delivery is changed by the Government, resulting in an increase or decrease in the cost of the performance.

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 5052

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margaret A. Willis, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VRS-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000–AC76

[FR Doc. 89-5858 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XLV

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

COMMODITY FUTURES TRADING COMMISSION (CFTC)

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others on the agenda.

ADDRESS: Comments should be sent to: Gerry Smith, Office of the Executive Director, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 (202) 254-6090.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of April and October of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year, irrespective of their potential impact on small entities.[1] In addition, the Commission notes that it has withdrawn its proposal entitled "Exchange Recordkeeping Regarding Clearing Organizations' Trade Registers" which proposed adding certain customer type indicator codes and was published on June 6, 1988 at 53 FR 21490.

The Commission's agenda represents its best estimate of significant rules which will be considered over the next twelve months.[2] In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda."

The Commission is publishing its April 1989 Regulatory Flexibility Agenda as part of the Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in the Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's April 1989 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, DC on March 23, 1989, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3577	Distribution of "Risk Disclosure Statement" by Futures Commission Merchants and Introducing Brokers	3038-AA64

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3578	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10
3579	Rules Relating to Commission Review of National Futures Association Decisions In Disciplinary, Membership Denial, Registration and Member Responsibility Actions	3038-AA57

[1] The Commission has published its definition of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (April 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an event in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[2] In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar and, on a weekly basis, an advisory which list rules that the Commission is considering or will consider in the near future.

CFTC

Proposed Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3580	Regulation of Hybrid and Related Instruments	3038-AA58

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3581	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
3582	Recordkeeping and The Exchange of Futures for Cash Commodities or of Futures in Connection with Cash Commodity Transactions	3038-AA62
3583	Indemnification of CFTC Employees	3038-AA63
3584	Leverage Transactions	3038-AA65

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Prerule Stage

3577. ● DISTRIBUTION OF "RISK DISCLOSURE STATEMENT" BY FUTURES COMMISSION MERCHANTS AND INTRODUCING BROKERS

Legal Authority: 7 USC 6(b); 7 USC 6b; 7 USC 6g(1); 7 USC 6o; 7 USC 12a(5); 7 USC 24

CFR Citation: 17 CFR 1.55; 17 CFR 30.6; 17 CFR 190.10

Legal Deadline: None

Abstract: The Commission is considering whether to amend Rule 1.55, its basic rule with respect to risk disclosure by futures commission merchants and introducing brokers. Any such amendments would be designed to further simplify risk disclosure with respect to trading of domestic and foreign futures products so as to reduce the number of separate risk disclosure documents required by the Commission, the National Futures Association and other self regulatory organizations (SROs), including foreign SROs. The Commission may also consider whether the current rules need to be clarified regarding disclosure of the risk of bankruptcy and disclosures required when an account is transferred from one futures commission merchant or introducing broker to another futures commission merchant or introducing broker.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA64

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Proposed Rule Stage

3578. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6c; 7 USC 6f; 7 USC 6g; 7 USC 12a

CFR Citation: 17 CFR 1.12; 17 CFR 1.17

Legal Deadline: None

Abstract: The Commission adopted two amendments to its minimum financial and related requirements for futures commission merchants (FCMs). One amendment preserves the one-day grace period for debit/ deficit accounts unless the account had been in debit/deficit status on the previous business day and the previous day's debit or deficit was not timely satisfied in its entirety by the deposit of new funds. The second amendment is an enhancement of the financial early warning system which requires an FCM to notify its designated self-regulatory organization and the Commission immediately when it determines that an account it is carrying is undermargined by an amount which exceeds its adjusted net capital. The Commission also reproposed a rule to clarify the requirements for and treatment of a guaranteed account.

CFTC — Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
NPRM	08/05/85	50 FR 31612
NPRM	07/29/87	52 FR 28281
NPRM Comment Period End	09/28/87	52 FR 28281

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Two final rules published 7/29/87, 52 FR 28246 and 52 FR 28248. Effective date: 8/28/87. Guaranteed account rule reproposed on 7/29/87, 52 FR 28281.

Agency Contact: Lawrence Patent/Gary Miller, Assoc. Chief Counsel/Asst. Chief Acct., Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA10

3579. RULES RELATING TO COMMISSION REVIEW OF NATIONAL FUTURES ASSOCIATION DECISIONS IN DISCIPLINARY, MEMBERSHIP DENIAL, REGISTRATION AND MEMBER RESPONSIBILITY ACTIONS

Legal Authority: 7 USC 21(h); 7 USC 21(i); 7 USC 21(o)(2); 7 USC 12(a)(5); 7 USC 4a

CFR Citation: 17 CFR 3; 17 CFR 171

Legal Deadline: None

Abstract: The Commission proposes to adopt rules establishing standards and procedures for Commission review of decisions of registered futures associations such as the National Futures Association ("NFA"). The Commission is proposing specific standards of review for decisions by NFA in four types of actions - disciplinary actions, membership denial actions, registration actions and member responsibility actions. The proposed rules would establish a common procedure for seeking review and a stay of a final decision by NFA in disciplinary, membership denial and registrations actions. The proposed rules would also establish a procedure for seeking review of and a stay of decisions by NFA in a member responsibility action. In proposing these rules, the Commission seeks to promulgate standards for review that will permit NFA to exercise its expertise and independent judgment in the proceedings subject to these rules while providing a person aggrieved by the result of NFA's action an effective means to obtain relief from prejudicial errors in NFA's determination. The Commission also seeks to establish an appellate process that is comprehensive, balanced, efficient and fair.

Timetable:

Action	Date	FR Cite
NPRM	04/03/89	
NPRM Comment Period End	05/03/89	
Final Action	06/02/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Richards, Deputy Chief, Options Section, Office of General Counsel, Commodity Futures Trading Commission, 2033 K St. N.W., Washington, D.C. 20581, 202 254-7110

RIN: 3038–AA57

3580. REGULATION OF HYBRID AND RELATED INSTRUMENTS

Legal Authority: 7 USC 2; 7 USC 6c; 7 USC 12a

CFR Citation: 17 CFR 34

Legal Deadline: None

Abstract: The Commodity Futures Trading Commission is proposing to adopt regulations concerning certain "hybrid" instruments that combine characteristics of commodity option contracts with debt or depository interests. The development of hybrid instruments with commodity-related components has raised questions concerning the status of such instruments under the Commodity Exchange Act and Commission regulations. The proposed rules would establish an exemption from CFTC regulations under the Act for hybrid instruments with limited commodity option components, based upon the limited nature of the option component and deference to other existing regulatory standards applicable to the noncommodity component of such instruments. In addition, the proposed rules would establish a notice requirement for hybrid instruments qualifying for the proposed exemption.

Timetable:

Action	Date	FR Cite
ANPRM	12/11/87	52 FR 47022
ANPRM Comment Period End	04/11/88	
NPRM	01/11/89	54 FR 1128
NPRM Comment Period End	04/06/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert H. Rosenfeld, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street N.W., Washington, D.C. 20581, 202 254-6990

RIN: 3038–AA58

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Final Rule Stage

3581. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

Legal Authority: 7 USC 6c(b); 7 USC 6c(d); 7 USC 12(a)(5)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32.

Legal Deadline: None

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on

May 1, 1978, were in the business of buying, selling, producing or otherwise using that commodity. The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission intends to re-evaluate the proposed rules in light of regulatory changes that have occurred since 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/20/78	43 FR 59396
NPRM	04/27/81	46 FR 23469
ANPRM	03/18/85	50 FR 10788

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA03

3582. RECORDKEEPING AND THE EXCHANGE OF FUTURES FOR CASH COMMODITIES OR OF FUTURES IN CONNECTION WITH CASH COMMODITY TRANSACTIONS

Legal Authority: 7 USC 6; 7 USC 6c(a); 7 USC 6g; 7 USC 7; 7 USC 7a; 7 USC 12; 7 USC 12(a)(5)

CFR Citation: 17 CFR 1.35 (a)(2)

Legal Deadline: None

Abstract: The proposed regulation is necessary to ensure proper monitoring of exchanges of futures for physicals. The regulation would require records of customer cash transactions underlying EFPs which are now difficult to access to be routinely retained and provided to the contract market or the Commission upon request. The records would be used to monitor and ensure the bona fides of EFPs. The proposed regulation is intended to constitute the least burdensome method of achieving the Commission's goal of monitoring EFPs.

Timetable:

Action	Date	FR Cite
NPRM	11/16/88	53 FR 46089
NPRM Comment Period End	01/17/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia C. Apfelbaum, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA62

3583. ● INDEMNIFICATION OF CFTC EMPLOYEES

Legal Authority: 7 USC 4a(j)

CFR Citation: 17 CFR 140; 28 CFR 50.15

Legal Deadline: None

Abstract: The potential liability of individual CFTC employees for tortious conduct occurring within the scope of their employment has increased in the wake of recent Supreme Court decisions. Presently, the CFTC has no rules to indemnify Commission employees who are sued in their individual capacities and who suffer an adverse judgment as a result of conduct taken within the scope of their employment. The prospect of personal liability might adversely affect Commission operations, decision-making, and policy determination. A partial solution was provided when the "Federal Employees Liability Reform and Tort Compensation Act of 1988" (P.L. 100-694) was enacted. This new law removes the potential personal liability of federal employees for common law torts committed within the scope of their employment and provides that the exclusive remedy for such torts is through an action against the U.S. under the Federal Tort Claims Act. However, this does not extend to a civil action against a federal employee which is brought for a violation of the Constitution or federal statute which would authorize such action. A change to permit indemnification would help alleviate this problem.

Timetable:

Action	Date	FR Cite
Final Action	04/03/89	
Final Action Effective	04/03/89	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: David W. Kuhnsman, Attorney, Commodity Futures Trading Commission, 2033 K. Street, NW, Washington, DC 20581, 202 254-9880

RIN: 3038–AA63

3584. ● LEVERAGE TRANSACTIONS

Legal Authority: 7 USC 12a (5); 7 USC 23

CFR Citation: 17 CFR 1.3 (f); 17 CFR 3.2; 17 CFR 3.3; 17 CFR 3.18; 17 CFR 3.20; 17 CFR 3.21; 17 CFR 3.31; 17 CFR 3.32; 17 CFR 3.33; 17 CFR 3.40; 17 CFR 3.43; 17 CFR 31; 17 CFR 145.5(d)(2)(i)(H); 17 CFR 147.3(b)(4)(i)(A)(8)

Legal Deadline: None

Abstract: The Commodity Futures Trading Commission has proposed rules which will permit additional participation in the leverage business, as directed by Congress in the Futures Trading Act of 1986. The proposed amendments to existing rules and the proposed new rules are essentially procedural in nature. They are designed to provide for a regulatory structure of direct supervision by the National Futures Association (NFA) under Commission oversight. Such a structure is consistent with the other regulatory programs administered by the Commission under the Commodity Exchange Act. Under the proposed rules, each leverage transaction merchant (LTM) would be required to be a member of the NFA, which would be required to adopt rules establishing minimum financial, cover, segregation and sales practice requirements, and related reporting requirements. With respect to each area, these rules would have to be as least as stringent as the standards currently set forth by the Commission in Part 31 of its rules. The NFA also would be required to have an arbitration procedure to settle leverage customer claims and grievances.

CFTC

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/24/89	54 FR 3496
NPRM Comment Period End	03/27/89	
Final Action	08/10/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Stret NW, Washington, DC 20581, 202 254-8955

RIN: 3038–AA65

[FR Doc. 89-7781 Filed 04-21-89; 8:45 am]

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Federal Register

Monday
April 24, 1989

Part XLVI

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing the rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governmental units. In this document, the Commission publishes its semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions expected to be under development or review by the agency during the succeeding 12 months and which further provide that such an agenda may be combined with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments on each subject area of the agenda, particularly from small entities. Written comments concerning the agenda should be received in the Office of the Secretary by June 30, 1989.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Allen F. Brauninger, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, telephone (301) 492-6980. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601-612, contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act, 5 U.S.C. 602, requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of the subject area of any rule expected to be proposed or promulgated which is likely to have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the nature of the rule, the objectives and legal basis for the rule, and a schedule for acting on each rule for which the agency has issued a notice of proposed rulemaking. The Regulatory Flexibility Agenda shall also contain the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and to solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or current regulations under review and further states that such an agenda may be combined with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The regulatory flexibility agenda published below lists, for a 12-month period, the regulatory activities expected to be under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, DC 20207.

Dated: March 22, 1989.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3585	Requirements for the special packaging of household substances; revision of test protocol for child resistant packaging	3041-AA22
3586	Rule review	3041-AA24
3587	Rule review	3041-AA25
3588	All-terrain vehicles	3041-AA53
3589	Requirements to make cigarette lighters child resistant	3041-AA73
3590	Method for identifying toys and other articles intended for children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts	3041-AA76
3591	Petition CP -89-2 requesting development of a standard for electric heat tape	3041-AA78
3592	Petition CP 89-3 for safety standard for hand-held electric hair dryers	3041-AA79

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Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3593	Petition HP 89-1 for rule to ban certain crib toys	3041-AA83
3594	Petition CP 89-1 for safety standard for saunas	3041-AA85
3595	Petition PP 88-2 for rules to require child-resistant packaging for products containing acetonitrile or sodium bromate	3041-AA86

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3596	Proposed rule to exempt electronic video games from electrical toy regulations	3041-AA41
3597	Household substances containing methylene chloride; status as hazardous substances; proposed rule	3041-AA59

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3598	Poison Prevention Packaging Act requirements for certain effervescent acetaminophen tablets, proposed amendment of exemption	3041-AA69
3599	Poison Prevention Packaging Act requirements for certain unflavored aspirin in powder form, proposed amendment of exemption	3041-AA70
3600	Poison Prevention Packaging Act requirements for certain medroxyprogesterone acetate tablets, proposed amendment of exemption	3041-AA71
3601	Proposed rule to exempt medroxyprogesterone acetate tablets from Poison Prevention Packaging Act requirements for child-resistant packaging	3041-AA77
3602	Application for exemption from preemption; proposed rule	3041-AA82
3603	Proposed rule to exempt medroxyprogesterone acetate tablets from Poison Prevention Packaging Act requirements for child-resistant packaging	3041-AA84

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3604	Rule review	3041-AA20
3605	Petition HP 87-1 requesting a ban of certain household products containing more than 0.01 percent tremolite	3041-AA63
3606	Petition CP 87-1 requesting development of a product safety rule for kerosene heaters and requiring a label to warn against flare-up	3041-AA68
3607	Possible standard or ban to address injuries to children caused by children playing with lawn darts	3041-AA72
3608	Poison Prevention Packaging Act requirements for certain conjugated estrogens, proposed amendment of exemption	3041-AA74
3609	Petition CP 87-2 requesting a warning label on hot air paint removal tools	3041-AA75
3610	Proposed rule to exempt medroxyprogesterone acetate tablets from Poison Prevention Packaging Act requirements for child-resistant packaging	3041-AA77
3611	Commission participation and Commission employee involvement in voluntary standards	3041-AA88

CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

Prerule Stage

3585. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; REVISION OF TEST PROTOCOL FOR CHILD RESISTANT PACKAGING

Legal Authority: 15 USC 1472 Poison Prevention Packaging Act; 15 USC 1473 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.20

Legal Deadline: None

Abstract: On January 19, 1983, the Commission published an Advance Notice of Proposed Rulemaking soliciting comments on ways to amend the existing requirements for child-resistant packaging to improve the effectiveness and efficiency of these requirements. In June 1985, the Commission staff completed testing to determine the feasibility of using some of the alternate procedures for evaluation of child-resistant packaging described in the ANPR. In August 1987, the Commission considered the comments received in response to the ANPR and the staff's recommendations regarding revision of existing requirements for child-resistant packaging. The Commission directed the staff to prepare draft proposals to amend the test protocols used to evaluate the effectiveness of child-resistant packaging. The staff is preparing a briefing package concerning specific revisions to the child test protocol and the adult test protocol. The staff anticipates that it will transmit the briefing package to the Commission in April 1989.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	48 FR 2389
Staff sends briefing package to Commission	04/00/89	
NPRM	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA22

3586. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: The Commission plans to publish a Federal Register notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	04/14/89	
Public comment period ends	06/16/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA24

3587. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Legal Deadline: Other, Statutory, December 31, 1990.

Abstract: On February 22, 1984, the Commission published a Federal Register notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act and soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public comment period ends	04/23/84	49 FR 6504
End Review	11/30/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041–AA25

3588. ALL-TERRAIN VEHICLES

Significance: Agency Priority

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1262(f) Federal Hazardous Substances Act

CFR Citation: 16 CFR 00

Legal Deadline: None

Abstract: On May 31, 1985, the Commission published an advance notice of proposed rulemaking (ANPR) to announce its preliminary determination that an unreasonable risk of injury may be associated with all-terrain vehicles. An all-terrain vehicle (ATV) is a three- or four-wheeled motorized machine, designed for off-road use, and intended to be ridden by one person. A consent decree in the U.S. District Court of the District of Columbia in U.S. v. American Honda Motor Co. et al., approved on April 28, 1988, Civil Act. No. 87-3525 GAG], required ATV manufacturers to attempt in good faith to reach agreement on a voluntary standard for the Commission's consideration. The Commission accepted that standard, along with an industry agreement concerning lateral stability, on October 28, 1988. Except for lateral stability and youth models, the Commission will defer rulemaking for a time sufficient for the voluntary standard to be adopted by the American National Standards Institute. Also, the Commission concluded that for labeling, manuals, age recommendations, advertising, training, point-of-purchase materials, and other

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Timetable:

Action	Date	FR Cite
ANPRM	05/31/85	50 FR 23139
ANPRM Comment Period End	09/30/85	50 FR 31391
Staff sends status report to Commission	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT. aspects of manufacturing and marketing of ATVs which are controlled by the consent decree, rulemaking is no longer required. The staff plans to send a status report to the Commission in August concerning progress on the voluntary standard and development of requirements for lateral stability of ATVs.

Agency Contact: Carl Blechschmidt, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA53

3589. REQUIREMENTS TO MAKE CIGARETTE LIGHTERS CHILD RESISTANT

Legal Authority: 15 USC 2051 et seq Consumer Product Safety Act; 15 USC 1261 et seq Federal Hazardous Substances Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On March 3, 1988, the Commission published an Advance Notice of Proposed Rulemaking (ANPRM) to announce its preliminary determination that unreasonable risks of death and injury may be associated with cigarette lighters because they are not sufficiently resistant to operation by children. The Commission staff is analyzing comments received in response to the ANPRM. A test protocol using panels of children and adults is under development. The test protocol will be used to determine the child resistance of lighters now on the market and to evaluate lighter modifications reported to be more child resistant. A child resistant cigarette lighter standard will be developed using the test protocol as a basis.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/88	53 FR 6833
ANPRM Comment Period End	05/02/88	53 FR 6833
Staff sends briefing package on NPRM to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: L. James Sharman, Fire Programs Officer, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D. C. 20207, **301 492-6554**

RIN: 3041–AA73

3590. METHOD FOR IDENTIFYING TOYS AND OTHER ARTICLES INTENDED FOR CHILDREN UNDER 3 YEARS OF AGE WHICH PRESENT CHOKING, ASPIRATION, OR INGESTION HAZARDS BECAUSE OF SMALL PARTS

Legal Authority: 15 USC 1261 to 1262 Federal Hazardous Substance Act

CFR Citation: 16 CFR 1501

Legal Deadline: None

Abstract: The Commission has a regulation applicable to toys and other articles intended for children under three years old that prescribes a test cylinder to determine if articles, or detachable parts of such articles, present a choking hazard to young children. Articles or components which fit within the test cylinder are banned. Although this regulation has been in effect since January 1980, choking incidents have occurred since it went into effect involving products which either pass the test or which are exempt from the regulation. The Commission has established a project to gather information about the nature and causes of these incidents and to determine what, if any, additional measures are needed to reduce injuries and deaths from such incidents, including possible modification of the small parts test cylinder. The Commission published an ANPRM on June 7, 1988, to solicit comments on ways to address choking hazards to young children, including specific modifications of the test cylinder requested in a petition from the Consumer Federal of America and the New York State Attorney General's Office.

Timetable:

Action	Date	FR Cite
ANPRM	06/07/88	53 FR 20865
ANPRM Comment Period End	08/08/88	53 FR 20865
Notice announcing establishment of medical advisory committee	01/19/89	54 FR 2198

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: In the Federal Register of January 19, 1989, the Commission published a notice to announce the establishment of a medical advisory committee which will consist of five to seven physicians with specialized training or experience in children's asphyxiation accidents and injuries. The advisory committee will provide expert medical advice to the Commission on appropriate modifications of the test fixture specified by the small parts regulations and other topics relevant to this rulemaking proceeding.

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA76

3591. ● PETITION CP -89-2 REQUESTING DEVELOPMENT OF A STANDARD FOR ELECTRIC HEAT TAPE

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2056 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act; 15 USC 2076(e) Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On December 22, 1988 Christian B. Stegeman, III and others petitioned the Commission to begin a proceeding under provisions of the Consumer Product Safety Act for

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development of a safety standard for electric heat tape. The petition requests the Commission to develop a standard with requirements for the design and performance of electric heat tape and for instructions and warnings to accompany the product. If the Commission grants the petition, it will begin a rulemaking proceeding under the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Carl Blechschmidt, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, 301 492-6554

RIN: 3041–AA78

3592. ● PETITION CP 89-3 FOR SAFETY STANDARD FOR HAND-HELD ELECTRIC HAIR DRYERS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On September 5, 1988, David A. Snow, President of the Michele Snow Foundation, petitioned the Commission to issue a consumer product safety standard for hand-held electric hair dryers. The petition alleges that hand-held electric hair dryers are associated with five to ten fatal electrocutions of children each year. The petition requests the Commission to issue a safety standard for hand-held electric hair dryers to require immersion detection circuit interrupters to protect against electric shock injuries if the hair dryer accidentally falls into water. The Commission staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a proceeding under the Consumer Product Safety Act for development of a consumer product safety standard.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	04/17/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Linda Glatz, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041–AA79

3593. ● PETITION HP 89-1 FOR RULE TO BAN CERTAIN CRIB TOYS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act; 15 USC 2079(d) Consumer Product Safety Act

CFR Citation: 16 CFR 1500.18

Legal Deadline: None

Abstract: On November 17, 1988, Consumer Federation of American and the New York State Attorney General's Office petitioned the Commission to begin a proceeding for issuance of a rule to ban certain crib toys and mobiles described in the petition. The petition alleges that these toys present risks of strangulation to infants. If the Commission grants the petition, it will begin a proceeding under the Federal Hazardous Substances Act for issuance of the requested banning rule.

Timetable:

Action	Date	FR Cite
Staff sends briefing package on petition to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Elaine A. Tyrrell, Project Manager, Consumer Product Safety Commission, Consumer Product Safety Commmission, Washington, D.C. 20207, 301 492-6554

RIN: 3041–AA83

3594. ● PETITION CP 89-1 FOR SAFETY STANDARD FOR SAUNAS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 00 CFR 00

Legal Deadline: None

Abstract: On October 4, 1988, Edward Press, M.D. petitioned the Commission to issue a safety standard for saunas. A sauna is a wood-walled enclosure equipped with benches and a heater. The petition alleges that saunas are associated with risks of death and injury from heat stroke or hypothermia, cardiac arrhythmia and cardiac arrest, myocardial infarction, and syncope or fainting. The petition requests the Commission to issue a safety standard for saunas with requirements for signs to warn about hazards associated with use of saunas; a switch outside the sauna enclosure to limit operating time of the sauna to a maximum of ten minutes per setting; a switch inside the sauna enclosure to shut off the sauna when the dry-bulb temperature exceeds 195 degrees F.; adequate ventilation of the sauna enclosure; and an alarm signal which can be activated inside the sauna enclosure to summon aid. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition, it will begin a proceeding for development of a consumer product safety standard under provisions of the Consumer Product Safety Act.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to the Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jacqueline Elder, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, 301 492-6554

RIN: 3041–AA85

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3595. ● PETITION PP 88-2 FOR RULES TO REQUIRE CHILD-RESISTANT PACKAGING FOR PRODUCTS CONTAINING ACETONITRILE OR SODIUM BROMATE

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act; 15 USC 2051 Consumer Product Safety Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: On June 27, 1988, the American Association of Poison Control Centers, Inc. petitioned the Commission to issue rules under provisions of the Poison Prevention Packaging Act to require child-resistant packaging for two types of cosmetics: products containing acetonitrile used to remove sculptured nails; and home cold-wave permanent kits containing sodium bromate. The petition alleges that children have suffered serious injuries after accidentally ingesting the products which are the subject of the petition. The staff is preparing a briefing package for consideration by the Commission when deciding whether to grant or deny the petition. If the Commission grants the petition it will begin a proceeding under the Poison Prevention Packaging Act to issue rules requiring child-resistant packaging of household products containing acetonitrile or sodium bromate.

Timetable:

Action	Date	FR Cite
Staff sends briefing package to Commission	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA86

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Proposed Rule Stage

3596. PROPOSED RULE TO EXEMPT ELECTRONIC VIDEO GAMES FROM ELECTRICAL TOY REGULATIONS

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1505

Legal Deadline: None

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to amend the regulation on electrical toys to exempt electronic video games from coverage. The Commission granted the petition on September 27, 1988, and expects to publish a proposed exemption in July 1989.

Timetable:

Action	Date	FR Cite
Commission decision	09/27/88	
NPRM	07/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Thome, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA41

3597. HOUSEHOLD SUBSTANCES CONTAINING METHYLENE CHLORIDE; STATUS AS HAZARDOUS SUBSTANCES; PROPOSED RULE

Legal Authority: 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1262 Federal Hazardous Substances Act

CFR Citation: 16 CFR 1500.12(a)(2)

Legal Deadline: None

Abstract: On August 20, 1986, the Commission proposed a rule to declare that household products containing methylene chloride are hazardous substances under the Federal Hazardous Substances Act. These products include some paint strippers and spray paints. The Commission's concern arises from animal tests showing that methylene chloride is a carcinogen by inhalation and studies indicating a significant human exposure as a result of reasonably foreseeable use of products containing methylene chloride. The initiation of this rulemaking proceeding granted one part of a petition (HP 85-1) from the Consumer Federation of America. The staff provided an analysis of the comments on the proposed rule to the Commission in June 1987. In August 1987, the Commission determined that there was insufficient controversy over the status of methylene chloride as a hazardous substance; therefore, the Commission suspended the rulemaking and issued a statement of enforcement policy stating the Commission's view that household products that contain methylene chloride and that expose consumers to significant levels of methylene chloride are (cont.)

Timetable:

Action	Date	FR Cite
NPRM	08/20/86	51 FR 29778
NPRM Comment Period End	10/20/86	51 FR 29778
Policy published	09/14/87	52 FR 34698

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: subject to the FHSA's labeling requirements.The rulemaking proceeding is suspended pending a determination of the extent of compliance with the enforcement policy.

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA59

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Final Rule Stage

3598. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN EFFERVESCENT ACETAMINOPHEN TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: Regulations implementing the Poison Prevention Packaging Act exempt effervescent acetaminophen tablets containing less than 10 per cent acetaminophen from requirements for child-resistant packaging. In the Federal Register of October 20, 1988, the Commission published a proposed amendment of those regulations to increase the acetaminophen content of tablets exempted from requirements for child-resistant packaging from less than ten per cent to not more than 15 per cent. In March 1989 the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposed amendment and contains a draft notice to issue the proposed amendment on final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41200
NPRM Comment Period End	12/19/88	53 FR 41200
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA69

3599. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN UNFLAVORED ASPIRIN IN POWDER FORM, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 5 USC 553 Administrative Procedure Act;; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: Regulations issued under provisions of the Poison Prevention Packaging Act exempt certain unflavored aspirin in powder form which is packaged in unit doses providing not more than 13 grains of aspirin per unit dose from requirements for child-resistant packaging. In the Federal Register of October 20, 1988, the Commission proposed an amendment of those regulations to exempt unflavored aspirin in powder form which is packaged in unit doses providing not more than 15.4 grains of aspirin per dose from requirements for child-resistant packaging. In March 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposed amendment and contains a draft notice to issue the proposed amendment on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 4199
NPRM Comment Period End	12/19/88	53 FR 4199
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA70

3600. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN MEDROXYPROGESTERONE ACETATE TABLETS, PROPOSED AMENDMENT OF EXEMPTION

Legal Authority: 5 USC 553 Administrative Procedure Act;; 15 USC 1471 et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of October 20, 1988, the Commission proposed a rule under provisions of the Poison Prevention Packaging Act to exempt medroxyprogesterone acetate tablets dispensed in mnemonic packages containing not more than 100 milligrams of the drug from requirements for child-resistant packaging. In March 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposal and contains a draft notice to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	10/30/88	53 FR 41202
NPRM Comment Period End	12/19/88	53 FR 41202
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA71

3601. ● PROPOSED RULE TO EXEMPT MEDROXYPROGESTERONE ACETATE TABLETS FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Legal Authority: 5 USC 55(e) Administrative Procedure Act; 15 USC et seq Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of January 12, 1989, the Commission published a proposed rule under provisions of the Poison Prevention Act to exempt medroxyprogesterone acetate tablets from requirements for child-resistant packaging. In April 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the propose rule and contains a draft notice to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1187
NPRM Comment Period End	03/13/89	54 FR 1187
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program

CPSC — Final Rule Stage

Management and Budget, Washington, DC 20207, **301 492-6554**

RIN: 3041–AA77

3602. ● APPLICATION FOR EXEMPTION FROM PREEMPTION; PROPOSED RULE

Legal Authority: 15 USC 2075 Consumer Product Safety Act; 15 USC 1261n Federal Hazardous Substances Act; 15 USC 1203 Flammable Fabrics Act; 15 USC 1476 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1061; 16 CFR 1604; 16 CFR 1704

Legal Deadline: None

Abstract: In the Federal Register of December 26, 1988, the Commission published a proposed regulation to establish procedures for submission and consideration of applications by state and local governments for exemption from preemption by statutes, standards, and regulations of the Consumer Product Safety Commission. The proposed regulation would implement provisions of the Consumer Product Safety Act, the Federal Hazardous Substances Act, the Flammable Fabrics Act, and the Poison Prevention Packaging Act which authorize state and local governments to petition the Commission for exemption from preemption of state and local laws by requirements enforced by the Consumer Product Safety Commission, and specify the conditions under which the Commission may grant such petitions.

Timetable:

Action	Date	FR Cite
NPRM	12/28/88	53 FR 52432
NPRM Comment Period End	01/27/89	53 FR 52432
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Local, State

Agency Contact: Stephen Lemberg, Assistant General Counsel, Consumer Product Safety Commission, Office of the General Counsel, Washington, D.C. 20207, **301 492-6980**

RIN: 3041–AA82

3603. ● PROPOSED RULE TO EXEMPT MEDROXYPROGESTERONE ACETATE TABLETS FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Legal Authority: 5 USC 553 Administrative Procedure Act; 15 USC 1471 Poison Prevention Packaging Act

CFR Citation: 16 CFR 1700.14

Legal Deadline: None

Abstract: In the Federal Register of January 12, 1989, the Commission published a proposed rule under provisions of the Poison Prevention Packaging Act to exempt medroxyprogesterone acetate tablets from requirements for child-resistant packaging. In April 1989, the staff expects to transmit a briefing package to the Commission which analyzes comments received in response to the proposed rule and contains a draft notice to issue the proposed rule on a final basis.

Timetable:

Action	Date	FR Cite
NPRM	01/12/89	54 FR 1187
NPRM Comment Period End	03/13/89	54 FR 1187
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White, Project Manager, Consumer Product Safety Commission, Office of Program Management and Budget, Washington, D.C. 20207, **301 492-6554**

RIN: 3041–AA84

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Completed Actions

3604. RULE REVIEW

CFR Citation: 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Completed:

Reason	Date	FR Cite
End Review	01/09/89	54 FR 601

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Allen F. Brauninger **301 492-6980**

RIN: 3041–AA20

3605. PETITION HP 87-1 REQUESTING A BAN OF CERTAIN HOUSEHOLD PRODUCTS CONTAINING MORE THAN 0.01 PERCENT TREMOLITE

CFR Citation: 16 CFR 1500

Completed:

Reason	Date	FR Cite
Petition denied	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra Eberle 301 492-6554

RIN: 3041–AA63

3606. PETITION CP 87-1 REQUESTING DEVELOPMENT OF A PRODUCT SAFETY RULE FOR KEROSENE HEATERS AND REQUIRING A LABEL TO WARN AGAINST FLARE-UP

CFR Citation: 00 CFR 00

Completed:

Reason	Date	FR Cite
Petition Denied	12/04/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Hoebel 301 492-6554

RIN: 3041–AA68

3607. POSSIBLE STANDARD OR BAN TO ADDRESS INJURIES TO CHILDREN CAUSED BY CHILDREN PLAYING WITH LAWN DARTS

CFR Citation: 16 CFR 1500.18(a)(4); 16 CFR 1500.86(a)(3); 16 CFR 1306

Completed:

Reason	Date	FR Cite
Final Action	11/18/88	53 FR 46828
Final Action Effective	12/19/88	53 FR 46828

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: David Thome 301 492-6554

RIN: 3041–AA72

3608. POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CERTAIN CONJUGATED ESTROGENS, PROPOSED AMENDMENT OF EXEMPTION

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Final Action	10/20/88	53 FR 41159
Final Action Effective	10/20/88	53 FR 41159

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Virginia White 301 492-6554

RIN: 3041–AA74

3609. PETITION CP 87-2 REQUESTING A WARNING LABEL ON HOT AIR PAINT REMOVAL TOOLS

CFR Citation: 16 CFR 1200; 16 CFR 1400

Completed:

Reason	Date	FR Cite
Petition denied	12/20/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sandra Eberle 301 492-6554

RIN: 3041–AA75

3610. PROPOSED RULE TO EXEMPT MEDROXYPROGESTERONE ACETATE TABLETS FROM POISON PREVENTION PACKAGING ACT REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Petition granted	12/30/88	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Virginia White 301 492-6554

RIN: 3041–AA77

3611. ● COMMISSION PARTICIPATION AND COMMISSION EMPLOYEE INVOLVEMENT IN VOLUNTARY STANDARDS

Legal Authority: 15 USC 2051 Consumer Product Safety Act; 15 USC 1261 Federal Hazardous Substances Act; 15 USC 1191 Flammable Fabrics Act

CFR Citation: 16 CFR 1031; 16 CFR 1032

Legal Deadline: None

Abstract: The Commission has revised its regulations governing the Commission's participation in voluntary standards activities to reflect the policies set forth by Congress in the 1981 amendments of the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act. The revised regulation make several changes in the Commission's policies governing participation by the Commission staff in voluntary standards development activities.

Timetable:

Action	Date	FR Cite
NPRM	11/07/88	53 FR 44892
NPRM Comment Period End	12/07/88	53 FR 44892
Final Action	02/14/89	54 FR 6646
Final Action Effective	03/16/89	54 FR 6646

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Colin Church, Voluntary Standards Coordinator, Consumer Product Safety Commission, Office of the Executive Director, Washington, D.C. 20207, 301 492-6550

RIN: 3041–AA88

[FR Doc. 89-7776 Filed 04-21-89; 8:45 am]

BILLING CODE 6355-01-T

Federal Register

Monday
April 24, 1989

Part XLVII

Farm Credit Administration

Semiannual Regulatory Agenda

FARM CREDIT ADMINISTRATION (FCA)

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department Unified Agenda of Regulations and review list.

SUMMARY: The Farm Credit Administration (FCA), as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of April 1989 through October 1989.

FOR FURTHER INFORMATION CONTACT: Cindy R. Nicholson, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. Farm Credit Administration regulations which apply to Farm Credit System banks and associations do not and will not have a substantial impact on small entities. None of the entities regulated by the FCA fall within the definition of small entities in the Regulatory Flexibility Act. While many associations through which banks lend are smaller in size than their banks, they are not independently operated, as they are closely supervised by the banks, which must approve most of their operating policies. The associations rely exclusively on their supervising banks for their source of funds. Furthermore, the associations do not compete with each other since, as with their supervising banks, each serves only a particular geographic area.

While FCA is an independent agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Dated: February 24, 1989.

David A. Hill,

Secretary, Farm Credit Administration Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3612	Releasing Information; Examinations and Investigations; General Provisions; Releasing Information	3052-AA05
3613	Organization: Director Compensation	3052-AA09
3614	Eligibility and Scope of Financing; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Coordination; General Provisions; Definitions	3052-AA94
3615	Debt Collection Act	3052-AB02
3616	Organization and Functions: Service of Process	3052-AB07
3617	Personnel Administration: Human Resources Management	3052-AB08

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3618	Personnel Administration; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions: Prior Approvals	3052-AB06

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3619	Organization; Personnel Administration; General Provisions; Disclosure to Shareholders: Mergers	3052-AA00
3620	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; General Provisions: Capital Adequacy	3052-AA79
3621	Regulatory Accounting Practices: RAP	3052-AA82
3622	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations: Capital Adequacy Related	3052-AA88
3623	Organization: Receiver	3052-AA92
3624	Loan Policies and Operations; Disclosure to Shareholders; Accounting and Reporting Requirements: Secondary Market	3052-AA96
3625	Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations: Funding Corporation	3052-AA97
3626	General Provisions: Member Insurance	3052-AB03
3627	Loan Policies and Operations: Borrower Rights	3052-AB04

FARM CREDIT ADMINISTRATION (FCA)

Proposed Rule Stage

3612. RELEASING INFORMATION; EXAMINATIONS AND INVESTIGATIONS; GENERAL PROVISIONS; RELEASING INFORMATION

Legal Authority: PL 92-181; PL 99-205; 12 USC 2252(a)(10)

CFR Citation: 12 CFR 602; 12 CFR 617; 12 CFR 618

Legal Deadline: None

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Monica Michelizzi, Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052–AA05

3613. ORGANIZATION: DIRECTOR COMPENSATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(a)(10); PL 99-205

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Agricultural Credit Act of 1987 requires revision to FCA regulations to ensure the rights of shareholders to obtain a copy of the district board policy regarding compensation of district directors and also to inspect and copy the supporting records.

Timetable:

Action	Date	FR Cite
NPRM	11/09/87	52 FR 43081
NPRM Comment Period End	01/08/88	52 FR 43081

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4498**

RIN: 3052–AA09

3614. ELIGIBILITY AND SCOPE OF FINANCING; LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; COORDINATION; GENERAL PROVISIONS; DEFINITIONS

Legal Authority: 12 USC 2013; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2019; 12 USC 2073; 12 USC 2075; 12 USC 2093; 12 USC 2122; 12 USC 2128; 12 USC 2129; 12 USC 2143; 12 USC 2243; 12 USC 2252; 12 USC 2279a; ...

CFR Citation: 12 CFR 613; 12 CFR 614; 12 CFR 615; 12 CFR 616; 12 CFR 618; 12 CFR 619

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44438
NPRM Comment Period End	12/05/88	53 FR 44438

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4498**

RIN: 3052–AA94

3615. DEBT COLLECTION ACT

Legal Authority: 12 USC 2252(a)(10)

CFR Citation: 12 CFR Not yet determined

Legal Deadline: None

Abstract: GAO and Justice have issued standards for issuance of regulations

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Rob Brammer, Chief, Budget & Accounting Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4122**

RIN: 3052–AB02

3616. ● ORGANIZATION AND FUNCTIONS: SERVICE OF PROCESS

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 600

Legal Deadline: None

Abstract: Establishes the method to be used in order to serve legal process upon the agency, including identification of the agency official designated to receive such process.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R.

FCA — Proposed Rule Stage

Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Gary L. Bohlke, Associate General Counsel, Litigation and Enforcement, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AB07

3617. ● PERSONNEL ADMINISTRATION: HUMAN RESOURCES MANAGEMENT

Legal Authority: 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 612

Legal Deadline: None

Abstract: Establishes a broader description of the responsibilities and requirements for human resources management in the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Charles R. Row, Chief, Human Resources Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4135**

RIN: 3052–AB08

FARM CREDIT ADMINISTRATION (FCA) — Final Rule Stage

3618. ● PERSONNEL ADMINISTRATION; LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS: PRIOR APPROVALS

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121

CFR Citation: 12 CFR 612; 12 CFR 614; 12 CFR 615; 12 CFR 618

Legal Deadline: None

Abstract: Eliminates prior approval portions of certain regulations requiring institutions to submit certain proposed policies, procedures, programs and activities to FCA for its approval prior to the institution implementing such policies, procedures, programs and activities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/12/89	54 FR 1149

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: John C. Moore, Deputy Chief, Financial Analysis and Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4402**

RIN: 3052–AB06

FARM CREDIT ADMINISTRATION (FCA) — Completed Actions

3619. ● ORGANIZATION; PERSONNEL ADMINISTRATION; GENERAL PROVISIONS; DISCLOSURE TO SHAREHOLDERS: MERGERS

Legal Authority: 12 USC 2011; 12 USC 2020; 12 USC 2031; 12 USC 2071; 12 USC 2076; 12 USC 2091; 12 USC 2121; 12 USC 2142; 12 USC 2183; 12 USC 2203; 12 USC 2218; 12 USC 2221; 12 USC 2243; 12 USC 2244; 12 USC 2252; ...

CFR Citation: 12 CFR 611; 12 CFR 612; 12 CFR 618; 12 CFR 620

Legal Deadline: None

Abstract: Due to 1987 legislation, major changes will be required to implement merger and restructuring provisions.

Timetable:

Action	Date	FR Cite
ANPRM	02/16/88	53 FR 4416
ANPRM Comment Period End	02/29/88	53 FR 4416
Interim Final Rule	05/11/88	53 FR 16695
NPRM	06/06/88	53 FR 20637
NPRM Comment Period End	07/06/88	53 FR 20637
Final Action Interim Rule	08/05/88	53 FR 29445
Final Action Section 611.1145	10/05/88	53 FR 39079
Final Action All prior amendments	12/15/88	53 FR 50381
Final Action Effective	02/22/89	
Notice of Effective Date	02/23/89	54 FR 758

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office

of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: James Thies, Assistant Chief, Financial Analysis & Standards, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia, 703 883-4475

RIN: 3052–AA00

3620. ● FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS; GENERAL PROVISIONS: CAPITAL ADEQUACY

Legal Authority: 12 USC 2154; 12 USC 2183; 12 USC 2243; 12 USC 2244; 12 USC 2252; PL 100-233, Sec 301(a)

CFR Citation: 12 CFR 615; 12 CFR 618

Legal Deadline: None

Abstract: Regulations to ensure adequate capital is maintained by Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/88	53 FR 4642
ANPRM Comment Period End	03/01/88	53 FR 4642
NPRM	05/12/88	53 FR 16948
Public Hearing Capital Adequacy	05/12/88	53 FR 16963
NPRM Comment Period End	06/10/88	53 FR 16948
Resolicitation of Comments Capital Adequacy	08/10/88	53 FR 30071
Final Action	10/06/88	53 FR 39229
Final Action All prior amendments	10/06/88	53 FR 39229
Final Action Effective	02/01/89	54 FR 5074

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: William Dunn, Chief, Financial Analysis & Standards, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4489

RIN: 3052–AA79

3621. REGULATORY ACCOUNTING PRACTICES: RAP

Legal Authority: 12 USC 2001; 12 USC 2013; 12 USC 2073; 12 USC 2093; 12 USC 2122; 12 USC 2159; 12 USC 2252; 12 USC 2254

CFR Citation: 12 CFR 624

Legal Deadline: None

Abstract: Utilization of regulatory accounting practices by Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16968
NPRM Comment Period End	06/13/88	53 FR 16968
Final Action	10/13/88	53 FR 40049
Final Action Effective	02/09/89	54 FR 6265

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Thomas Dalton, Staff Accountant, Accounting and Corporate Affairs, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4460

RIN: 3052–AA82

3622. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS: CAPITAL ADEQUACY RELATED

Legal Authority: 12 USC 2132; 12 USC 2146; 12 USC 2154; 12 USC 2160; 12 USC 2202b; 12 USC 2243; 12 USC 2252; 12 USC 2278b; 12 USC 2278b-6

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Revisions to various regulations relating to capital adequacy and minimal capital requirements for Farm Credit System institutions.

Timetable:

Action	Date	FR Cite
ANPRM	02/17/88	53 FR 4642
ANPRM Comment Period End	03/01/88	53 FR 4642
NPRM	09/02/88	53 FR 34109
NPRM Comment Period End	09/16/88	53 FR 34109
Final Action	10/13/88	53 FR 40033
Final Action Effective	02/09/89	54 FR 6264

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: William Dunn, Chief, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4489

RIN: 3052–AA88

3623. ORGANIZATION: RECEIVER

Legal Authority: 12 USC 2011; 12 USC 2031; 12 USC 2071; 12 USC 2091; 12 USC 2121; 12 USC 2182; 12 USC 2183; 12 USC 2243; 12 USC 2244; 12 USC 2250; 12 USC 2252; PL 100-233, Sec 412

CFR Citation: 12 CFR 611

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16934
Interim Final Rule	05/24/88	53 FR 18810
NPRM Comment Period End	06/13/88	53 FR 16934
NPRM Insolvency definition	10/31/88	53 FR 43897
Final Action All prior amendments	01/12/89	54 FR 1146
Final Action Effective	02/23/89	
Notice of Effective Date	02/23/89	54 FR 7758
NPRM - Resolicitation of Comments Insolvency definition	00/00/00	00 FR 00000

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 703-883-4020

Agency Contact: Eldon Stoehr, Field Division A Chief, Office of Examinations, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4251

RIN: 3052–AA92

3624. LOAN POLICIES AND OPERATIONS; DISCLOSURE TO SHAREHOLDERS; ACCOUNTING AND REPORTING REQUIREMENTS: SECONDARY MARKET

Legal Authority: 12 USC 2011; 12 USC 2013; 12 USC 2014; 12 USC 2015; 12 USC 2017; 12 USC 2018; 12 USC 2071; 12 USC 2073; 12 USC 2074; 12 USC 2075; 12 USC 2091; 12 USC 2093; 12 USC 2094; 12 USC 2096; 12 USC 2121; ...

CFR Citation: 12 CFR 614; 12 CFR 620; 12 CFR 621

Legal Deadline: None

Abstract: Implement Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	10/11/88	53 FR 39609
NPRM Comment Period End	11/10/88	53 FR 39609
Final Action All prior amendments	01/12/89	54 FR 1153
Final Action Effective	02/23/89	
Notice of Effective Date	02/23/89	54 FR 7759

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: George Irwin, Assistant Deputy Director, Office of Analysis & Supervision, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4050

RIN: 3052–AA96

3625. FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS: FUNDING CORPORATION

Legal Authority: 12 USC 2154; 12 USC 2160; 12 USC 2202(b); 12 USC 2243; 12 USC 2252; 12 USC 2278b-6; PL 100-233, Sec 301(a)

CFR Citation: 12 CFR 615

Legal Deadline: None

Abstract: Implement Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	05/12/88	53 FR 16963
NPRM Comment Period End	06/13/88	53 FR 16963
Resolicitation of Comments Funding Corporation	10/05/88	53 FR 39099
Final Action All prior amendments	01/12/89	54 FR 1156
Final Action Effective	02/23/89	
Notice of Effective Date	02/23/89	54 FR 7759

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Larry Edwards, Director, Special Examination Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4229

RIN: 3052–AA97

3626. ● GENERAL PROVISIONS: MEMBER INSURANCE

Legal Authority: 12 USC 2183; 12 USC 2218; 12 USC 2243; 12 USC 2244; 12 USC 2252

CFR Citation: 12 CFR 618

Legal Deadline: None

Abstract: Revise due to Agricultural Credit Act of 1987.

Timetable:

Action	Date	FR Cite
NPRM	06/06/88	53 FR 20647
NPRM Comment Period End	07/06/88	53 FR 20647
Final Action	09/13/88	53 FR 35303
Final Action Effective	10/19/88	53 FR 40867

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Dennis Carpenter, Senior Credit Specialist, Financial Analysis & Standards Division, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, 703 883-4498

RIN: 3052–AB03

3627. ● LOAN POLICIES AND OPERATIONS: BORROWER RIGHTS

Legal Authority: 12 USC 2184; 12 USC 2199; 12 USC 2201; 12 USC 2202; 12 USC 2202a; 12 USC 2202c; 12 USC 2202d; 12 USC 2202e; 12 USC 2219a; 12 USC 2219b; 12 USC 2243; 12 USC 2252

CFR Citation: 12 CFR 614.4367(c)(1); 12 CFR 614.4367(d)(1)

Legal Deadline: None

Abstract: Disclosure of new effective interest rate based on change in stated contract rate and disclosure of new effective interest rate based on change in stock or participation certificate requirement.

Timetable:

Action	Date	FR Cite
Supplemental Proposed Rule Effective interest rate	11/08/88	53 FR 45101
Final Action Effective interest rate	01/12/89	54 FR 1151
Final Action Effective	02/23/89	
Notice of Effective Date	02/23/89	54 FR 7758

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ADDITIONAL AGENCY CONTACT: Cindy R. Nicholson, Paralegal Specialist, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703) 883-4020

Agency Contact: Andrea J. Cali, Senior Attorney, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090, **703 883-4020**

RIN: 3052–AB04

[FR Doc. 89-5859 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part XLVIII

Federal Communications Commission

Semiannual Regulatory Agenda

FEDERAL COMMUNICATIONS COMMISSION (FCC)

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations; April 1989

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: Twice a year, the Commission publishes a list in the Unified Agenda of those major items and other significant proceedings under development or review that pertain to the Regulatory Flexibility Act. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. The Regulatory Flexibility Act (94 Stat. 1167: 5 U.S.C. 605) includes notations on the applicability of the Regulatory Flexibility Act to each item.

The Unified Agenda is published in the **Federal Register** in April and October of each year.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tenecia Moncrief, Office of Managing Director, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of Major and Other Significant Proceedings.

The Commission encourages public participation in the FCC rulemaking process. To help keep the public informed of significant rulemaking proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB publishes the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rulemaking or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g., Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "MM Docket 79-164" which indicates that the responsible Bureau is the Mass Media Bureau. When a docket number consists of only five digits (e.g., Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rulemaking (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rulemaking, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rulemaking (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rulemaking, but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

Donna R. Searcy,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3628	Satellite Communications	3060-AD70
3629	Jurisdictional Separations: Mixed Use Special Access	3060-AD93
3630	Deregulation of Certain Basic Services	3060-AE02
3631	Regulatory Policies and International Telecommunications: Notice of Inquiry and Proposed Rulemaking	3060-AE03
3632	Jurisdictional Separations Procedures: Central Office Equipment Category 3, Local Switching Equipment	3060-AE06
3633	Jurisdictional Separation Procedures: Central Office Equipment (Circuit Equipment) and Cable and Wire Facilities	3060-AE14
3634	Policy and Rules concerning Rates for Dominant Carriers, CC Docket No. 87-313	3060-AE38
3635	Telephone Company Cable Television Cross-Ownership Rules Sections 63.54-63.56	3060-AE40
3636	Request of telco for a declaratory ruling that Nonwireline Cell. Carriers shouldn't be required to provide resale svc. to wireline carriers in the same market	3060-AE57

COMMON CARRIER BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3637	Jurisdictional separations procedures: Reconsideration of the decision to exclude access revenues from the allocation of marketing expenses	3060-AE07

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COMMON CARRIER BUREAU—Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3638	Access to Telecommunications Equipment and Services by the Hearing Impaired and Other Disabled Persons	3060-AE39

OFFICE OF ENGINEERING AND TECHNOLOGY—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3639	900 MHz G/NG Fixed	3060-AD55

OFFICE OF ENGINEERING AND TECHNOLOGY—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
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3641	LTTS Reallocation	3060-AD67
3642	Part 15 Review (Auditory Assistance and Iggulton Petitions to be Disposed of Concurrent with this Action)	3060-AD68
3643	Cordless Telephones	3060-AD95
3644	Alternative Type Acceptance Procedure	3060-AD99
3645	Verification of Parts 73, 74, and Devices	3060-AE00
3646	Cellular Flexibility	3060-AE15
3647	Scanning Receiver Labelling	3060-AE18
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OFFICE OF ENGINEERING AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3653	Public Safety National Plan	3060-AD66

FIELD OPERATIONS BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3654	In the matter of an Automatic Transmitter Identification System (ATIS) for Radio Transmitting Equipment (Gen. Doc. #86-337)	3060-AE25

MASS MEDIA BUREAU—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3655	Non-Stock Entities	3060-AE31

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MASS MEDIA BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3656	Section 73.37(e): Petition for Reconsideration	3060-AD63
3657	Broadcast EEO: Reconsideration	3060-AD73
3658	Radio Multiple Ownership & Cross Ownership Rules	3060-AD78
3659	Satellite Television Stations	3060-AD79
3660	AM Expanded Band: Domestic	3060-AD92
3661	Wireless Cameras	3060-AE10
3662	FM Translators: Moody Bible	3060-AE11
3663	FM/TV Directional Antenna	3060-AE12
3664	Channels 14/69 Interference: NOI/NPRM	3060-AE13
3665	FM Translators: NOI/NPRM	3060-AE23
3666	Advanced Television Systems	3060-AE24
3667	Comparative Renewal	3060-AE27
3668	AM: Skywave Propagation	3060-AE28
3669	AM: Ground Propagation: FNOI/FNPRM	3060-AE29
3670	FM Class C3 and Class A FM Upgrade Petitions	3060-AE30
3671	TV Networks Rules: Two-year Rule	3060-AE32
3672	Cable System Definition	3060-AE34
3673	AM: Enhanced Nighttime Operation	3060-AE35
3674	Interference Reduction Agreements	3060-AE51
3675	Comparative New Criteria	3060-AE52
3676	Syndex for TVROs	3060-AE53

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3677	Technical Deregulation: Part 73: TV	3060-AD58
3678	FM Technical Clean-up: Reconsideration	3060-AD74
3679	Radio Reading Services	3060-AD80
3680	Daytimers Issues	3060-AD85
3681	Premature Construction	3060-AE33

PRIVATE RADIO BUREAU—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3682	Wireline Common Carriers - Operation of SMRS	3060-AD54
3683	Multiple Address Systems	3060-AE09
3684	Amend Part 80 to preclude accidental or intentional off- frequency operation of externally controlled synthesized radio transmitters	3060-AE41
3685	Subpart M&S Reconsideration	3060-AE42
3686	National Public Safety Plans	3060-AE43
3687	Secondary Fixed Tone Signalling	3060-AE44
3688	Conditional Licensing	3060-AE45
3689	Wireline Common Carriers-Operation of SMRS	3060-AE46
3690	Trunking of conventional channels (800 mhz & above)	3060-AE47
3691	Special Emergency Radio Private Carriers	3060-AE49

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PRIVATE RADIO BUREAU—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3692	Amend Part 80 to preclude accidental or intentional off- frequency operation of externally controlled synthesized radio transmitters	3060-AE48

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3693	Part 90 Review - Subparts M&S incl. ASNA pet., Subpart S Wait List	3060-AD69

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Proposed Rule Stage

3628. SATELLITE COMMUNICATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 553

CFR Citation: 47 CFR 25

Legal Deadline: None

Abstract: The Commission seeks to develop a record & to solicit comments on the proposed rules. These proposed rules are designed to implement recommendations made by the joint industry/government Advisory Committee on 2 degree satellite spacing; and they will codify basic applications requirements for satellite services. The proposed rules would apply to all entities including small entities who seek authorization under Part 25 of the Commission's rules to construct and operate Fixed-Satellite communications facilities. The proposed rules would establish operational and technical procedures designed to alleviate adjacent satellite interference and may increase the reporting and cost burdens on all satellite licensees. The rules codifying basic applications requirements are codifications of existing policies. Will impose no additional burdens, and may, in fact, reduce the burden by eliminating several current requirements. In order to be effective, these rules must apply to all licensees and thus there is no significant alternative.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/87	52 FR 6175
ANPRM Comment Period End	11/01/87	
Final App. Proc. Rules	09/01/89	
Final Technical Rules	12/30/89	
Final Action	12/00/89	
Final Action Effective	02/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State, Federal

Agency Contact: **Rosalee Gorman or Fern Jarmulnek**, Staff Attorneys, Federal Communications Commission, 2025 M Street, N.W., Room 6324, Washington, D.C. 20554, **202 634-1624**

RIN: 3060–AD70

3629. JURISDICTIONAL SEPARATIONS: MIXED USE SPECIAL ACCESS

Significance: Agency Priority

Legal Authority: 47 USC 410; 47 USC 154(i); 47 USC 154(j); 47 USC 201 to 205; 47 USC 218

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: This proceeding concerns the allocation between the state and federal jurisdictions of the costs of special access lines (including those used with WATS service) that carry both interstate and intrastate traffic.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	
Joint Board Recommended Decision	01/10/89	
Order	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Claudia Pabo**, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C., **202 632-4047**

RIN: 3060–AD93

3630. DEREGULATION OF CERTAIN BASIC SERVICES

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i); 47 USC 154(j); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 218; 47 USC 220; 47 USC 303(g); 47 USC 303(r); 47 USC 403; 47 USC 404; 5 USC 553

CFR Citation: 47 CFR 1.48; 47 CFR 1.49; 47 CFR 1.419

Legal Deadline: None

Abstract: Proposed reduction of regulation for certain basic services offered by dominant carriers based on a service-by-service analysis of

competition. Contract services and packet switched services are targeted for such potential deregulation.

Timetable:

Action	Date	FR Cite
NPRM	01/09/87	
NPRM Comment Period End	04/10/87	
Supplemental NPRM/Order	09/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: CC Docket 86-421

Agency Contact: William Maher, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-4047**

RIN: 3060–AE02

3631. REGULATORY POLICIES AND INTERNATIONAL TELECOMMUNICATIONS: NOTICE OF INQUIRY AND PROPOSED RULEMAKING

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201 to 205; 47 USC 214; 47 USC 218 to 222; 47 USC 301; 47 USC 302

CFR Citation: 47 CFR 63.01; 47 CFR 63.701; 47 CFR 68.226; 47 CFR 63.703; 47 CFR 63.10; 47 CFR 63.702; 47 CFR 68.01; 47 CFR 69.01

Legal Deadline: None

Abstract: The Report and Order adopted certain information gathering measures designed to increase the Commission's knowledge of the extent of participation in the U.S market by foreign companies and service providers. Four petitions for reconsideration were filed in response to the Report and Order. Reporting requirement were modified to address concerns raised by the petitioners.

Timetable:

Action	Date	FR Cite
NPRM	01/30/87	
NPRM Comment Period End	05/22/87	
R&O	03/25/88	
Order on Reconsideration	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William J. Kirsch, Deputy Asst. Bureau Chief/International, Federal Communications Commission, 1919 M Street, N.W. Room 544, Washington, D.C. 20554, **202 632-4047**

RIN: 3060–AE03

3632. JURISDICTIONAL SEPARATIONS PROCEDURES: CENTRAL OFFICE EQUIPMENT CATEGORY 3, LOCAL SWITCHING EQUIPMENT

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36

Legal Deadline: None

Abstract: We are seeking comments on the development of other relative use allocators, including Switched Minutes of Use (SMOU) to allocate Central Office Equipment investment included in the Local Switching Equipment Category in the Part 36 Separations Manual.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
Recommended Decision and Order (Joint Board)	04/08/87	52 FR 15354
R&O	05/01/87	52 FR 17228
Order Inviting Comments	09/01/87	
R&O	07/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Additional Information: CC Docket 80-286

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060–AE06

3633. JURISDICTIONAL SEPARATION PROCEDURES: CENTRAL OFFICE EQUIPMENT (CIRCUIT EQUIPMENT) AND CABLE AND WIRE FACILITIES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: With the issuance of this Order inviting comments and requests for data, we are seeking information concerning the jurisdictional separations separations treatment of investment in Cable and Wire Facilities and in Circuit Equipment.

Timetable:

Action	Date	FR Cite
Order Inviting Comments	05/07/86	51 FR 21000
R&O	05/01/87	52 FR 17228
Order inviting comments	10/15/87	52 FR 43206

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket No. 78-72 CC Docket No. 80-286 CC Docket No. 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060–AE14

3634. POLICY AND RULES CONCERNING RATES FOR DOMINANT CARRIERS, CC DOCKET NO. 87-313

Significance: Agency Priority

Legal Authority: 47 USC 154(j); 47 USC 154(i); 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 303(r); 47 USC 403; 47 USC 553

CFR Citation: 47 CFR 1.773; 47 CFR 61.3; 47 CFR 61.32; 47 CFR 61.33; 47 CFR 61.38; 47 CFR 61.39; 47 CFR 61.41; 47 CFR 61.42; 47 CFR 61.43; 47 CFR 61.44; 47 CFR 61.45; 47 CFR 61.47; 47 CFR 61.58; 47 CFR 61.46; 47 CFR 65.1; ...

Legal Deadline: None

Abstract: The Commission has issued a specific plan for implementing a proposed change in regulation of the rates of dominant carriers which would replace the current rate-of-return regulatory model with one that directly limits rates by means of price caps. The plan applies to dominant carriers other than Comsat and Alascom. The Commission reaffirms its tentative finding that the price cap method of regulation will promote efficiency and

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innovation and benefit consumers more effectively than rate-of-return regulation

Timetable:

Action	Date	FR Cite
NPRM	08/21/87	52 FR 33962
NPRM Comment Period End	02/17/88	
Further Notice of Proposed Ruling	05/23/88	53 FR 22356
FNPRM Public Comment Period End	08/26/88	53 FR 22356
Order	06/00/89	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Mary Brown, Senior Attorney, Tariff Division, Federal Communications Commission, **202 632-6387**

RIN: 3060–AE38

3635. TELEPHONE COMPANY CABLE TELEVISION CROSS-OWNERSHIP RULES SECTIONS 63.54-63.56

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154; 47 USC 201; 47 USC 202; 47 USC 203; 47 USC 204; 47 USC 205; 47 USC 215; 47 USC 218; 47 USC 220; 47 USC 309(e) to 309(h); 47 USC 313; 47 USC 405; 47 USC 412; 47 USC 522

CFR Citation: 47 CFR 63.54; 47 CFR 63.55; 47 CFR 63.56; 47 CFR 63.57; 47 CFR 63.58

Legal Deadline: None

Abstract: This proceeding addresses the statutory restrictions which prohibit telephone companies from providing cable television service within their telephone service areas. The FCC has tentatively concluded that the statutory restrictions should be repealed. The Commission is soliciting comments and will decide whether to recommend to Congress whether the restrictions should be repealed. The Commission also issued an NPRM to modify the standards of affiliation between cable companies and telephone companies.

Timetable:

Action	Date	FR Cite
NOI adopted 07/16/87	07/16/87	52 FR 34818
Further NOI and NPRM	09/28/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Patrick J. Donovan, Attorney, Federal Communications Commission, **202 634-1832**

RIN: 3060–AE40

3636. ● REQUEST OF TELCO FOR A DECLARATORY RULING THAT NONWIRELINE CELL. CARRIERS SHOULDN'T BE REQUIRED TO PROVIDE RESALE SVC. TO WIRELINE CARRIERS IN THE SAME MARKET

Significance: Agency Priority

Legal Authority: 47 USC 201(a)(b)

CFR Citation: None

Legal Deadline: None

Abstract: In a NPRM, the Commission will determine whether to continue to apply its previous resale policies to resale by cellular entities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Abraham Leib, Chief, Legal Branch, Mobile Svcs. Div., Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 632-6450**

RIN: 3060–AE57

FEDERAL COMMUNICATIONS COMMISSION (FCC) —COMMON CARRIER BUREAU

Final Rule Stage

3637. JURISDICTIONAL SEPARATIONS PROCEDURES: RECONSIDERATION OF THE DECISION TO EXCLUDE ACCESS REVENUES FROM THE ALLOCATION OF MARKETING EXPENSES

Significance: Agency Priority

Legal Authority: 47 USC 221(c); 47 USC 403; 47 USC 410

CFR Citation: 47 CFR 36; 47 CFR 69

Legal Deadline: None

Abstract: With the issuance of this order we are addressing the petitions for reconsideration filed by parties urging the FCC to reconsider its decision to exclude access revenues from the allocation factor for marketing expenses. We also are initiating a further proceeding to re-examine the separations treatment of marketing expenses.

Timetable:

Action	Date	FR Cite
Final Action	04/01/89	
R&O	09/30/89	
Final Action Effective	01/01/90	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CC Docket 78-72 CC Docket 80-286 CC Docket 86-297

Agency Contact: Michael Wilson, Chief, Cost Analysis Branch, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554, **202 632-7500**

RIN: 3060–AE07

3638. ACCESS TO TELECOMMUNICATIONS EQUIPMENT AND SERVICES BY THE HEARING IMPAIRED AND OTHER DISABLED PERSONS

Significance: Agency Priority

Legal Authority: 47 USC 151; 47 USC 154(i)

CFR Citation: 47 CFR 68.312(c); 47 CFR 68.4; 47 CFR 68.5

Legal Deadline: Final, Statutory, May 16, 1989. Other, Statutory, July 27, 1989. Hearing Aid Compatibility Act of 1988. Telecommunications Accessibility Enhancement Act of 1988

Abstract: Proceeding designed to determine whether disabled persons have reasonable access to telecommunications services and equipment. FCC proposes to expand definition of essential telephones to

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require card-operated telephones to be Hearing Aid Compatible as well as telephones located in common areas in a hearing impaired employee's workplace. In addition, the FCC will consider the feasibility of implementing an Interstate Relay System for users of telecommunications devices for the deaf. This proceeding will consist of two phases; one dealing with the telephone hearing aid compatibility issue and the other will address the implementation of an interstate relay system for users of telecommunications devices for the deaf. Congress has instructed the FCC to adopt hearing aid compatibility rules consistent with P.L. 100-394 by May 16, 1989 and complete the NOI regarding the interstate relay system by July 27, 1989.

Timetable:

Action	Date	FR Cite
NPRM	03/29/88	
Further NPRM	02/28/89	
Final Action	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert James, Electronics Engineer, Federal Communications Commission, **202 634-1831**

RIN: 3060–AE39

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Prerule Stage

3639. 900 MHZ G/NG FIXED

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 74; 47 CFR 94

Legal Deadline: None

Abstract: Development of operating rules and sharing arrangement for use of the 932-935 and 941-943 MHz bands for G/NG fixed services.

Timetable:

Action	Date	FR Cite
NPRM	11/25/86	
NPRM Comment Period End	11/02/87	
R&O	06/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: 82-243

Agency Contact: Rodney Small, Federal Communications Commission, 2025 M St., NW, Rm. 7332, Washington, DC 20554, **202 653-8116**

RIN: 3060–AD55

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Proposed Rule Stage

3640. 216 - 225 MHZ ALLOCATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Proceeding to reallocate frequencies in the 216 - 225 MHz band including reallocation of 220 - 225 MHz from amateur to Land Mobile Services.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	
NPRM Comment Period End	12/12/87	
R&O	09/06/88	
MO&O	06/30/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Gen. 87-14

Agency Contact: Fred Thomas, Federal Communications Commission, 2025 M St., N.W., Rm. 7320, Washington, D.C. 20554, **202 653-8112**

RIN: 3060–AC91

3641. LTTS REALLOCATION

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 74

Legal Deadline: None

Abstract: Reallocation of the Local Television Transmission Service (LTTS) from the 11.7-12.2 GHz band to the 14.2-14.4 GHz band. This reallocation is designed to permit improved frequency sharing between the LTTS and the fixed-satellite services.

Timetable:

Action	Date	FR Cite
NPRM	07/09/87	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 87-136

Agency Contact: Ray LaForge, Federal Communications Commission, 2025 M Street, N.W., Room 7328, Washington, D.C. 20554, **202 653-8117**

RIN: 3060–AD67

3642. PART 15 REVIEW (AUDITORY ASSISTANCE AND IGGULTON PETITIONS TO BE DISPOSED OF CONCURRENT WITH THIS ACTION)

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: A comprehensive revision of Part 15 which proposes to allow marketing and use of a greater variety of devices, and to reduce the regulatory burden on the public.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	
NPRM Comment Period End	05/09/88	

Action	Date	FR Cite
FNPRM	06/00/89	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Docket 87-389

Agency Contact: John Reed, Federal Communications Commission, 2025 M Street, N.W., Room 7122, Washington, D.C. 20554, 202 653-7313

RIN: 3060–AD68

3643. CORDLESS TELEPHONES

Significance: Agency Priority

Legal Authority: 47 USC 301

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: A petition from EIA requesting extension of time for manufacture of cordless telephones at 46/49 MHz under Part 15 and a petition from TIA requesting that the Commission require the use of coding to address the problem of false dialing will be addressed concurrently.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: RM-5320

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-7314

RIN: 3060–AD95

3644. ALTERNATIVE TYPE ACCEPTANCE PROCEDURE

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: That proceeding in Docket No. 85-171 proposed a new technique that would allow maximum flexibility in getting innovative new equipment designs into the marketplace. This proposal will be a new approach to solve some of the technical and administrative problems identified in Docket 85-171.

Timetable:

Action	Date	FR Cite
NPRM	02/25/88	
NPRM Comment Period End	02/25/88	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 85-171

Agency Contact: Ken Nichols, Federal Communications Commission, 7435 Oakland Mills Road, Guilford, MD 21045, 301 725-1585

RIN: 3060–AD99

3645. VERIFICATION OF PARTS 73, 74, AND DEVICES

Significance: Agency Priority

Legal Authority: 47 USC 302; 47 USC 303

CFR Citation: 47 CFR 73; 47 CFR 74; 47 CFR 78

Legal Deadline: None

Abstract: Proposal for relaxation of the rules to change the equipment authorization procedure for certain devices subject to Parts 73, 74, and 78 from notification to the less burdensome verification procedure.

Timetable:

Action	Date	FR Cite
NPRM	09/30/87	
NPRM Comment Period End	02/01/88	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: George Harenberg, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8107

RIN: 3060–AE00

3646. CELLULAR FLEXIBILITY

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22

Legal Deadline: None

Abstract: Proceeding will investigate approach to relax technical standards for new cellular spectrum at 800 MHZ in order to provide flexibility to licensees for implementation of new technologies and new service offerings.

Timetable:

Action	Date	FR Cite
NPRM	06/30/87	
NPRM Comment Period End	10/15/87	
R&O	12/12/88	
FNPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 84-1231

Agency Contact: Julius Knapp, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 653-8108

RIN: 3060–AE15

3647. SCANNING RECEIVER LABELLING

Significance: Agency Priority

Legal Authority: 47 USC 301; 47 USC 302; 47 USC 303; 47 USC 4(i)

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Consideration of a petition requesting changes to Part 15 to require scanner manufacturers to label their receivers to alert users that it is not legal to listen to certain transmissions taking place on specified bands.

Timetable:

Action	Date	FR Cite
NPRM	06/01/88	
NPRM Comment Period End	06/14/88	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 88-281

Agency Contact: Paul Marrangoni, Federal Communications Commission, 2025 M St., N.W. Rm. 7336, Washington, D.C. 20554, 202 653-8107

RIN: 3060–AE18

3648. PROPOSAL TO CREATE A NEW AIR-TO-GROUND PUBLIC SWITCHED TELEPHONE NETWORK (PTSN) INTERCONNECTED SERVICE

Significance: Agency Priority

Legal Authority: 47 USC 303

FCC—OET

Proposed Rule Stage

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Legal Deadline: None

Abstract: The Commission proposes to amend Parts 2 and 22 and/or Parts 2 and 90 of its rules to permit use of four megahertz of reserve spectrum at 849/851/894-896 MHz for an air-to-ground telephone service. This action also proposes licensing policies and technical guidelines for the air-to-ground service.

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	
NPRM Comment Period End	04/27/88	
R&O	07/31/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Rodney Small, Federal Communications Commission, 202 653-8116

RIN: 3060–AE36

3649. PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: Proposal to revise the Commission's Measurement Procedure (MP-4) recommended for testing of computing devices, based on the Part 15 revision in Docket No. 87-389, and on a proposal by CBEMA to revise the MP.

Timetable:

Action	Date	FR Cite
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE37

3650. ● PART 15 MEASUREMENT PROCEDURES

Significance: Agency Priority

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15

Legal Deadline: None

Abstract: In support of the revision of Part 15, MP-12 (international radiators above 30 MHz); MP-14(unintentional radiators above 30 MHz); and MPs 1 and 11 (remote control and security devices) will be revised to conform with the new format and prepared as separate NPRMs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Art Wall, Federal Communications Commission, 202 725-1585

RIN: 3060–AE54

3651. ● L-BAND RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Legal Deadline: None

Abstract: Respond to petitions from certain aviation parties for further reconsideration of the mobile satellite service allocation at L-band.

Timetable:

Action	Date	FR Cite
MO&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Ray Laforge, Federal Communications Commission, 202 653-8117

RIN: 3060–AE55

3652. ● LO-JACK VEHICLE RECOVERY SYSTEM

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 90

Legal Deadline: None

Abstract: In response to petition from Lo-Jack Corporation, allocate 173.075 MHz for a stolen vehicle recovery system.

Timetable:

Action	Date	FR Cite
NPRM	12/21/88	
NPRM Comment Period End	12/21/88	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Fred Thomas, Federal Communications Commission, 202 653-8112

RIN: 3060–AE56

FEDERAL COMMUNICATIONS COMMISSION (FCC) —OFFICE OF ENGINEERING AND TECHNOLOGY

Completed Actions

3653. PUBLIC SAFETY NATIONAL PLAN

Significance: Agency Priority

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
Final Action	09/07/88	
Final Action Effective	09/07/88	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Fred Thomas 202 653-8112

RIN: 3060–AD66

FEDERAL COMMUNICATIONS COMMISSION (FCC) —FIELD OPERATIONS BUREAU

Proposed Rule Stage

3654. IN THE MATTER OF AN AUTOMATIC TRANSMITTER IDENTIFICATION SYSTEM (ATIS) FOR RADIO TRANSMITTING EQUIPMENT (GEN. DOC. #86-337)

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 154(j); 47 USC 302; 47 USC 303; 47 USC 403

CFR Citation: 47 CFR 25

Legal Deadline: NPRM, Statutory, October 20, 1986. Other, Statutory, September 14, 1987.
Further Notice of Proposed Rulemaking

Abstract: This proceeding looks to establish a means by which radio emissions might be encoded with a distinct automatically transmitted identifier to benefit orderly management of the radio spectrum by identifying the source of radio frequency interference to other radio signals. For video satellite uplink stations regulated under Part 25 of the Commission's rules, it proposes rules regarding such identifiers. There are no significant alternatives being considered that are consistent with stated objectives. Every operator of a satellite video uplink would be required to purchase and operate a device to insert identification on all transmissions. Approximately 1,000 stations would be involved. Each encoder would cost under $2000. Operating upkeep expenses should be minimal.

Timetable:

Action	Date	FR Cite
NPRM	08/07/86	51 FR 32223
Further NPRM	07/09/87	52 FR 26538
R&O	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: John Hudak, Chief, Signal Analysis Branch, Federal Communications Commission, Enforcement Division, Room 744, 1919 M St., N.W., Washington, D.C. 20554, **202 632-6977**

RIN: 3060–AE25

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Prerule Stage

3655. NON-STOCK ENTITIES

Significance: Agency Priority

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider a Notice of Inquiry concerning Commission treatment of corporations and other organizational structures that are not traditional commercial corporations.

Timetable:

Action	Date	FR Cite
NOI	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Marilyn Mohrman-Gillis, Federal Communications Commission, **202 632-7792**

RIN: 3060–AE31

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Proposed Rule Stage

3656. SECTION 73.37(E): PETITION FOR RECONSIDERATION

Legal Authority: 47 USC 307

CFR Citation: 47 CFR 73.37(e)

Legal Deadline: None

Abstract: Petition for reconsideration of the deletion of non-technical AM application acceptance criteria in Section 73.37(e).

Timetable:

Action	Date	FR Cite
NPRM	02/13/85	
R&O	10/31/85	
MO&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mm-077 NPRM mm-85-39 R&O

Agency Contact: L. Stevens, Federal Communications Commission, **202 632-7792**

RIN: 3060–AD63

3657. BROADCAST EEO: RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.2080

Legal Deadline: None

Abstract: The Commission has adopted new Equal Employment Opportunity (EEO) rules and reporting requirements for broadcasters that emphasize a licensee's overall EEO efforts rather than the numerical composition of its workforce. Reconsideration requested.

Timetable:

Action	Date	FR Cite
NPRM	10/31/86	
R&O	04/16/87	
MO&O	06/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: mmb-298 NPRM mm-85-350 FNPRM

Agency Contact: Marcia Glauberman, Federal Communications Commission, 202 632-6302

RIN: 3060–AD73

3658. RADIO MULTIPLE OWNERSHIP & CROSS OWNERSHIP RULES

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.3555

Legal Deadline: None

Abstract: The FCC refined its prohibition against the common ownership of radio and television stations in the same TV market. Specifically it is retaining the "one-to-a-market" or radio-television cross-ownership rules but will entertain waivers on a case-by-case basis if certain criteria are met.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
NPRM Comment Period End	01/15/87	
R&O	12/12/88	
MO&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mmb-414 NPRM

Agency Contact: Michele Farquhar, Federal Communications Commission, 202 632-7792

RIN: 3060–AD78

3659. SATELLITE TELEVISION STATIONS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.3555

Legal Deadline: None

Abstract: Report and Order to establish policy with respect to television satellite stations.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	
NPRM Comment Period End	01/15/87	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: mmb-421 NPRM

Agency Contact: Diane Hofbauer, Federal Communications Commission, 202 632-7792

RIN: 3060–AD79

3660. AM EXPANDED BAND: DOMESTIC

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: Inquiry into domestic issues resulting from expansion of the Am broadcasting band.

Timetable:

Action	Date	FR Cite
FNOI	02/25/88	
FNPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Diane Hofbauer, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-7792

RIN: 3060–AD92

3661. WIRELESS CAMERAS

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 74.602; 47 CFR 74.604; 47 CFR 74.636; 47 CFR 74.637; 47 CFR 74.802

Legal Deadline: None

Abstract: Proposal to permit low power wireless cameras to operate on vacant UHF and VHF TV channels.

Timetable:

Action	Date	FR Cite
NPRM	05/04/87	
NPRM Comment Period End	05/04/87	
FNPRM	05/04/87	
R&O	06/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: MM-85-36(a)

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-9660

RIN: 3060–AE10

3662. FM TRANSLATORS: MOODY BIBLE

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 74.501; 47 CFR 74.531; 47 CFR 74.532; 47 CFR 74.1231

Legal Deadline: None

Abstract: This proceeding addresses the possible use of satellite and microwave facilities to deliver signals to noncommercial FM translators that are owned and operated by parties other than their primary station.

Timetable:

Action	Date	FR Cite
NPRM	03/24/88	
R&O	12/31/88	
2nd R&O	06/00/89	

Small Entities Affected: Organizations

Government Levels Affected: None

Additional Information: mmb-311 RM-5219

Agency Contact: Tatsu Kondo, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, 202 632-6302

RIN: 3060–AE11

3663. FM/TV DIRECTIONAL ANTENNA

Significance: Agency Priority

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 73.315; 47 CFR 73.316

Legal Deadline: None

Abstract: The FCC adopted new rules permitting limited short-spacing of FM station assignments by using directional antennas.

Timetable:

Action	Date	FR Cite
NPRM	03/25/88	
R&O	12/12/88	
MO&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Bernard Gorden, Federal Communications Commission,

2025 M Street, N.W., Washington, D.C. 20554, **202 632-9660**

RIN: 3060–AE12

3664. CHANNELS 14/69 INTERFERENCE: NOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 304

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: In the Report and Order the Commission will consider spacing criteria for TV applicants for channel 14 or 69 in order to protect adjacent band land mobile operations. The Further Notice would propose rules to permit flexible use of channels 14 and 69.

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	
NPRM Comment Period End	10/20/87	
NOI/NPRM	10/20/87	
FNPRM/R&O	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: **David Siddal**, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, **202 632-7792**

RIN: 3060–AE13

3665. FM TRANSLATORS: NOI/NPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 74.1202; 47 CFR 74.1203; 47 CFR 74.1231; 47 CFR 74.1232; 47 CFR 74.1235

Legal Deadline: None

Abstract: The NOI in this proceeding initiated a study of the role of FM translators in the radio broadcast service. The objective of this proceeding is to examine and, where necessary or appropriate, to revise FCC policy regarding the authorization and operation of FM translators consistent with the Commission's overall allocations plan.

Timetable:

Action	Date	FR Cite
NOI	03/24/88	
NPRM/MO&O	06/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: **Marcia Glauberman**, Federal Communications Commission, **202 632-6302**

RIN: 3060–AE23

3666. ADVANCED TELEVISION SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(g); 47 USC 303(r)

CFR Citation: 47 CFR 73.610; 47 CFR 73.682; 47 CFR 73.687

Legal Deadline: None

Abstract: Report/NPRM to address: (1) how existing or new broadcasters will be permitted to implement advanced televisions systems (ATV); (2) what, if any, additional spectrum will be made available to each licensee for ATV broadcasting; (3) whether and how standards should be promulgated to govern this new type of TV broadcasting; and (4) what transition mechanisms, if any, should be implemented.

Timetable:

Action	Date	FR Cite
Tent. Decision/FNOI	09/01/88	
Report/NPRM	06/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Additional Information: RM-5811 NOI

Agency Contact: **David R. Siddall**, Federal Communications Commission, **202 632-7792**

RIN: 3060–AE24

3667. COMPARATIVE RENEWAL

Significance: Agency Priority

Legal Authority: 47 USC 311(d); 47 USC 309(e)

CFR Citation: 47 CFR 73.3525; 47 CFR 73.3584

Legal Deadline: None

Abstract: Inquiry into reforms of license renewal process and methods to prevent abuse of license renewal process.

Timetable:

Action	Date	FR Cite
FNOI	06/23/88	
Policy Statement	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: **M. Mohrman-Gillis**, Federal Communications Commission, **202 632-7792**

RIN: 3060–AE27

3668. AM: SKYWAVE PROPAGATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.190

Legal Deadline: None

Abstract: Proposal to improve the skywave propagation model utilized by the Commission.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Larry Olson**, Federal Communications Commission, **202 254-3394**

RIN: 3060–AE28

3669. AM: GROUND PROPAGATION: FNOI/FNPRM

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.183; 47 CFR 73.184

Legal Deadline: None

Abstract: The Commission will consider proposals to refine its rules for calculating groundwave field strength contours.

Timetable:

Action	Date	FR Cite
NOI	07/16/87	
NPRM	12/01/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Larry Olson, Federal Communications Commission, 202 254-3394

RIN: 3060–AE29

3670. FM CLASS C3 AND CLASS A FM UPGRADE PETITIONS

Significance: Agency Priority

Legal Authority: 47 USC 303(e); 47 USC 303(f)

CFR Citation: 47 CFR 73.207; 47 CFR 73.210; 47 CFR 73.211; 47 CFR 73.506; 47 CFR 73.1690

Legal Deadline: None

Abstract: Proposal to raise maximum power for Class A FM stations to 6kW from 3 kW, and to establish for FM stations in Zone II a new Class C3 (25 kW, 100m. HAAT) to close gap between upgrade Class A (6 kW, 100m.) and Class C2 (50 kW, 150m.)

Timetable:

Action	Date	FR Cite
NPRM	06/20/88	
NPRM Comment Period End	06/20/88	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Jay Jackson, Federal Communications Commission, 202 632-9660

RIN: 3060–AE30

3671. TV NETWORKS RULES: TWO-YEAR RULE

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 308; 47 USC 309; 47 USC 403

CFR Citation: 47 CFR 73.658(c)

Legal Deadline: None

Abstract: The Commission will examine the possibility of eliminating the two-year cap on affiliates contract with network on grounds that this rule is no longer necessary due to changed market conditions and actually inhibit competition.

Timetable:

Action	Date	FR Cite
NPRM	08/04/88	
NPRM Comment Period End	08/04/88	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Eugenia Hull, Federal Communications Commission, 202 632-7792

RIN: 3060–AE32

3672. CABLE SYSTEM DEFINITION

Significance: Agency Priority

Legal Authority: 47 USC 303; 47 USC 522(6)(B)

CFR Citation: 47 CFR 76.5

Legal Deadline: None

Abstract: The Commission will seek comment on the need for clarification or amendment of the Commission's definition or its interpretation of the definition, of a cable television system in view of a recent Federal District Court decision construing the statutory definition of a cable system in the Cable Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	12/01/88	
R&O	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Federal

Agency Contact: Barrett Brick, Federal Communications Commission, 202 254-3407

RIN: 3060–AE34

3673. AM: ENHANCED NIGHTTIME OPERATION

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73.21

Legal Deadline: None

Abstract: Proposal for nighttime operation by daytime only AM radio stations.

Timetable:

Action	Date	FR Cite
NPRM	10/13/88	
NPRM Comment Period End	10/13/88	
R&O	06/30/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Diane Hofbauer, Federal Communications Commission, 202 254-3394

RIN: 3060–AE35

3674. ● INTERFERENCE REDUCTION AGREEMENTS

Significance: Agency Priority

Legal Authority: 47 USC 154; 47 USC 303

CFR Citation: 47 CFR 73

Legal Deadline: None

Abstract: The Commission will consider proposal to allow licensees to enter into agreements on the matter of interference.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Diane Hofbauer, Federal Communications Commission, 202 254-3394

RIN: 3060–AE51

3675. ● COMPARATIVE NEW CRITERIA

Significance: Agency Priority

Legal Authority: 47 USC 4(i); 47 USC 303(g); 47 USC 303(r); 47 USC 309(i)

CFR Citation: 47 CFR 73.3584; 47 CFR 1.1601

Legal Deadline: None

Abstract: The Commission has proposed implementing a random lottery procedure (random selection) for new AM, FM and television stations in lieu of the present comparative hearing process.

FCC—MMB

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	01/30/89	
NPRM Comment Period End	01/30/89	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Rhodes, Federal Communications Commission, 202 632-7792

RIN: 3060–AE52

3676. ● SYNDEX FOR TVROS

Significance: Agency Priority

Legal Authority: 47 USC 712

CFR Citation: None

Legal Deadline: None

Abstract: As directed by the Satellite Home Viewer Act of 1988, this proceeding is being initiated to determine the feasibility of imposing syndicated programming exclusivity rules for satellite carriage of broadcast signals and to adopt such rules if feasible.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Horowitz, Federal Communications Commission, 202 632-7792

RIN: 3060–AE53

FEDERAL COMMUNICATIONS COMMISSION (FCC) —MASS MEDIA BUREAU

Completed Actions

3677. TECHNICAL DEREGULATION: PART 73: TV

CFR Citation: 47 CFR 73.685; 47 CFR 73.688; 47 CFR 73.691; 47 CFR 73.698; 47 CFR 73.699

Completed:

Reason	Date	FR Cite
Final Action R&O adopted	02/07/89	
Final Action Effective	02/07/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Bernard Gorden 202 632-9660

RIN: 3060–AD58

3678. FM TECHNICAL CLEAN-UP: RECONSIDERATION

Significance: Agency Priority

CFR Citation: 47 CFR 73.211; 47 CFR 73.206; 47 CFR 73.207; 47 CFR 73.213

Completed:

Reason	Date	FR Cite
Final Action	04/19/88	53 FR 42767
Final Action Effective	04/19/88	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jay Jackson 202 632-9660

RIN: 3060–AD74

3679. RADIO READING SERVICES

Significance: Agency Priority

CFR Citation: 47 CFR 73.593

Completed:

Reason	Date	FR Cite
Final Action	10/13/88	53 FR 42767
Final Action Effective	10/13/88	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Louis Whitsett 202 632-7792

RIN: 3060–AD80

3680. DAYTIMERS ISSUES

Significance: Agency Priority

CFR Citation: 47 CFR 73.21

Completed:

Reason	Date	FR Cite
Withdrawn no further action require.	02/06/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louis Stephens 202 632-6955

RIN: 3060–AD85

3681. PREMATURE CONSTRUCTION

Significance: Agency Priority

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
Withdrawn no further action required.	02/06/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Fawn Wilderson 202 632-7792

RIN: 3060–AE33

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Proposed Rule Stage

3682. WIRELINE COMMON CARRIERS - OPERATION OF SMRS

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.603

Legal Deadline: None

Abstract: The FCC has proposed amending Subparts M & S of Part 90 of its rules governing private land mobile radio to permit wireline common carriers to be eligible to apply for a license in the Specialized Mobile Radio Service.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 2910
NPRM Comment Period End	07/03/86	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Gay Ludington, Federal Communications Commission, **202 634-2443**

RIN: 3060–AD54

3683. MULTIPLE ADDRESS SYSTEMS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 94

Legal Deadline: None

Abstract: The FCC has modified the rules and policies governing 900 MHz multiple address system (MAS) operations. A number of rule sections were revised and clarified.

Timetable:

Action	Date	FR Cite
NPRM	01/15/87	52 FR 4161
NPRM Comment Period End	04/07/87	
R&O	02/25/88	53 FR 11855
MO&O	06/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Herb Zeiler/Molly Nichols, Federal Communications Commission, 2025 M Street, N.W., Washington, D.C. 20554, **202 634-2443**

RIN: 3060–AE09

3684. AMEND PART 80 TO PRECLUDE ACCIDENTAL OR INTENTIONAL OFF-FREQUENCY OPERATION OF EXTERNALLY CONTROLLED SYNTHESIZED RADIO TRANSMITTERS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 46 CFR 80

Legal Deadline: None

Abstract: The FCC has proposed on its own motion to restrict the operation of VHF ship radio transmitters with external programming and selection capability.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: W. Berges, Federal Communications Commission, **202 632-7175**

RIN: 3060–AE41

3685. SUBPART M&S RECONSIDERATION

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC amended its rules applicable to communications entrepreneurs who operate SMR stations. Loading standards, waiting list procedures and eligibility requirements were affected.

Timetable:

Action	Date	FR Cite
NPRM	10/16/86	51 FR 45025
R&O	02/15/88	53 FR 12154
MO&O	06/00/89	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Irene Bleiweiss, Federal Communications Commission, **202 634-2443**

RIN: 3060–AE42

3686. ● NATIONAL PUBLIC SAFETY PLANS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC amended its rules to meet the telecommunications requirements of state and local public safety authorities. As regional plans are filed, the Bureau, in conjunction with OET, will make them available for public comment.

Timetable:

Action	Date	FR Cite
OT	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Marty Liebman, Federal Communications Commission, **202 632-6497**

RIN: 3060–AE43

3687. ● SECONDARY FIXED TONE SIGNALLING

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC proposes to extend secondary fixed use for tone signalling to all Part 90 eligibles.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	53 FR 52743
R&O	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Eugene Thomson, Federal Communications Commission, **202 634-2443**

RIN: 3060–AE44

3688. ● CONDITIONAL LICENSING

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

FCC—PRB

Proposed Rule Stage

Abstract: The FCC proposes to amend its rules to enable applicants for new stations to commence operations under a temporary permit upon completion of self certification to a number of conditions and submission of application to the Commission.

Timetable:

Action	Date	FR Cite
NPRM	12/12/88	54 FR 1733
NPRM	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Jerry Feldman, Federal Communications Commission, 202 632-7125

RIN: 3060–AE45

3689. ● WIRELINE COMMON CARRIERS-OPERATION OF SMRS

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC has proposed amending Subpart S of Part 90 of its rules governing private land mobile radio to permit wireline common carriers to be eligible to apply for a license in the SMRS.

Timetable:

Action	Date	FR Cite
NPRM	01/03/86	51 FR 2910
NPRM	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Ron Netro, Federal Communications Commission, 202 634-2443

RIN: 3060–AE46

3690. ● TRUNKING OF CONVENTIONAL CHANNELS (800 MHZ & ABOVE)

Significance: Agency Priority

Legal Authority: 47 USC 154(i)

CFR Citation: 47 CFR 90

Legal Deadline: None

Abstract: The FCC has proposed to amend the rules to increase the number of frequencies available for trunked technology.

Timetable:

Action	Date	FR Cite
NOI	06/10/87	52 FR 25265
NPRM	12/12/88	54 FR 1967
R&O	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: Local, State

Agency Contact: Mike Lewis, Federal Communications Commission, 202 634-2443

RIN: 3060–AE47

3691. ● SPECIAL EMERGENCY RADIO PRIVATE CARRIERS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90.35

Legal Deadline: None

Abstract: The FCC adopted a proposal allowing private carriers to be licensed in the Special Emergency Radio Service. Petitions have been filed to reconsider private carrier aspect and modify MED channel restriction.

Timetable:

Action	Date	FR Cite
NPRM	08/04/87	52 FR 35281
R&O	05/18/88	53 FR 25607
MO&O	06/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State

Agency Contact: Irene Bleiweiss, Federal Communications Commission, 202 634-2443

RIN: 3060–AE49

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Final Rule Stage

3692. ● AMEND PART 80 TO PRECLUDE ACCIDENTAL OR INTENTIONAL OFF- FREQUENCY OPERATION OF EXTERNALLY CONTROLLED SYNTHESIZED RADIO TRANSMITTERS

Significance: Agency Priority

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 80

Legal Deadline: None

Abstract: The FCC has proposed on its own motion to restrict the operation of VHF ship radio transmitters with external programming and selection capability.

Timetable:

Action	Date	FR Cite
NPRM	10/13/88	53 FR 44210
NPRM Comment Period End	02/24/89	
R&O	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: W. Berges, Federal Communications Commission, 202 632-7175

RIN: 3060–AE48

FEDERAL COMMUNICATIONS COMMISSION (FCC) —PRIVATE RADIO BUREAU

Completed Actions

3693. PART 90 REVIEW - SUBPARTS M&S INCL. ASNA PET., SUBPART S WAIT LIST

Significance: Agency Priority

CFR Citation: 47 CFR 90.364; 47 CFR 90.627

Completed:

Reason	Date	FR Cite
Final Action MO&O adopted 12/2/88	02/15/88	53 FR 12154
Final Action Effective	02/15/88	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Federal

Agency Contact: Nia Cresham 202 634-2443

RIN: 3060-AD69

[FR Doc. 89-6214 Filed 04-21-89; 8:45 am]

BILLING CODE 6712-01-T

Monday
April 24, 1989

Part XLIX

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the April 1989 Regulatory Agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

The FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

Interested persons may petition the FDIC for the issuance, amendment or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

Dated: March 3, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3694	12 CFR 309 Disclosure of Information	3064-AA65
3695	12 CFR 311 Rules Governing Public Observation of Meetings of the Corporation's Board of Directors	3064-AA66
3696	12 CFR 330 Clarification and Definition of Deposit Insurance Coverage	3064-AA68
3697	12 CFR 304 Prior Notice by Insured Banks of Intent To Directly or Indirectly Engage in Nontraditional Banking Activities and of Intent To Acquire or Establish a Nontraditional Subsidiary	3064-AA29

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3698	12 CFR 355 Salary Offset	3064-AA93
3699	12 CFR 344 Securities Recordkeeping and Confirmations	3064-AA30
3700	12 CFR 335 Securities of Insured Nonmember Banks	3064-AA45
3701	12 CFR 304 Prior Notice of Rapid Growth in Insured Banks	3064-AA88

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3702	12 CFR 303 Delegations of Authority to Act on Applications	3064-AA84
3703	12 CFR 330 Insurance Coverage; Unit Investment Trust	3064-AA73
3704	12 CFR 354 Deposit Liabilities	3064-AA92
3705	12 CFR 346 Foreign Banks; Delegations of Authority	3064-AA78

FDIC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3706	12 CFR 325 Capital; Risk-Based Capital Guidelines	3064-AA37
3707	12 CFR 303 Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control	3064-AA90
3708	12 CFR 308 Rules of Practice and Procedures	3064-AA64
3709	12 CFR 329 Interest on Deposits	3064-AA32
3710	12 CFR 336 Employee Responsibilities and Conduct	3064-AA07
3711	12 CFR 346 Foreign Banks; Country Exposure Concentrations	3064-AA89

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Prerule Stage

3694. DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 12 USC 1819

CFR Citation: 12 CFR 309

Legal Deadline: None

Abstract: Part 309 sets forth the basic policies of the FDIC regarding the information it maintains and the procedures for obtaining access to such information.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James R. Dudine, Chief, Special Activities Section, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6750

RIN: 3064–AA65

3695. RULES GOVERNING PUBLIC OBSERVATION OF MEETINGS OF THE CORPORATION'S BOARD OF DIRECTORS

Legal Authority: 5 USC 552b; 12 USC 1819

CFR Citation: 12 CFR 311

Legal Deadline: None

Abstract: Part 311 implements the policy of the "Government in the Sunshine Act," section 552b of Title 5, United States Code, which is to provide the public with as much information as possible regarding the decision-making processes of certain Federal agencies, including the FDIC, while preserving the rights of individuals and the ability of the agency to carry out its responsibilities.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3813

RIN: 3064–AA66

3696. CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: Part 330 provides for the determination by the FDIC of the insured depositors of an insured bank and the amount of their insured deposit accounts. It sets forth the rules for determining the insurance coverage of deposit accounts maintained by depositors.

This regulation has been selected for review under the FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: J. William Via, Jr., Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3733

RIN: 3064–AA68

3697. ● PRIOR NOTICE BY INSURED BANKS OF INTENT TO DIRECTLY OR INDIRECTLY ENGAGE IN NONTRADITIONAL BANKING ACTIVITIES AND OF INTENT TO ACQUIRE OR ESTABLISH A NONTRADITIONAL SUBSIDIARY

Legal Authority: 12 USC 1816; 12 USC 1817; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1820; 12 USC 1821(f)

CFR Citation: 12 CFR 304; 12 CFR 332

Legal Deadline: None

Abstract: The FDIC is considering amending its regulations to require any FDIC-insured bank to provide 30-day prior written notice to the regional director of the FDIC region in which the bank is located of the bank's intent to engage in certain "nontraditional" banking activities and of its intent to acquire or establish a nontraditional subsidiary. The nontraditional banking activities being considered are real estate investment and brokerage activities, insurance underwriting, securities brokerage, underwriting, dealing or mutual fund activities, manufacturing, merchandising, and mortgage banking. The planned rule

FDIC **Prerule Stage**

also would require notice to the regional director of the FDIC region in which the bank is located not more than 10 days after the activity is started or the subsidiary is established or acquired.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Daniel M. Gautsch, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6912

RIN: 3064–AA29

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Proposed Rule Stage

3698. ● SALARY OFFSET

Legal Authority: 5 USC 5514; 12 USC 1819

CFR Citation: 12 CFR 355

Legal Deadline: None

Abstract: The FDIC is planning to propose new regulations to implement salary offset procedures required by 5 USC 5514 and 5 CFR 550, Subpart K. The proposal would set out procedures to be used by the FDIC to offset the salary of any FDIC employee who is indebted to the United States and refuses to pay voluntarily. The proposal would also enumerate procedures through which the FDIC may request another agency to offset the salary of one of its employees to satisfy a debt that employee may owe the FDIC.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Noreen M. Adams, Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3727

RIN: 3064–AA93

3699. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819

CFR Citation: 12 CFR 344

Legal Deadline: None

Abstract: The FDIC expects to propose an amendment to 12 CFR Part 344, which governs an insured nonmember bank's recordkeeping and confirmation requirements for securities transactions. The proposed amendment would expand an existing exception under Part 344 for low activity. The exception would be increased to allow banks which effect an average of fewer than 1,000 securities transactions per year to be exempt from certain recordkeeping and written policymaking requirements. The current "low-activity" threshold is 200 transactions per year. The amendment is needed to eliminate unnecessary paperwork burden and is intended to reduce the impact of FDIC's regulation on insured nonmember banks that engage in a low number of securities transactions per year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Harvey, Review Examiner, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6762

RIN: 3064–AA30

3700. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Legal Deadline: None

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The staff is currently preparing such conforming amendments for public comment based on recent rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence H. Pierce, Securities Activities Officer, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8902

RIN: 3064–AA45

3701. ● PRIOR NOTICE OF RAPID GROWTH IN INSURED BANKS

Legal Authority: 5 USC 552; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820

CFR Citation: 12 CFR 304

Legal Deadline: None

Abstract: The FDIC plans to substitute for its current regulation on reporting fully insured brokered deposits and fully insured deposits placed directly by other depository institutions (12 CFR 304.6) a new requirement calling for the reporting of planned rapid growth by whatever means, including the solicitation and acceptance of brokered deposits and direct deposits by other depository institutions. Essentially the new rule would require an insured bank to report by means of a check-off question on its Reports of Condition and Income any intention to grow rapidly, that is, by more than nine percent during the following three months.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William G. Hrindac, Examination Specialist, Division of

FDIC — Proposed Rule Stage

Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6892

RIN: 3064–AA88

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Final Rule Stage

3702. DELEGATIONS OF AUTHORITY TO ACT ON APPLICATIONS

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC is preparing final amendments to Part 303 of its rules and regulations to clarify and, in some cases, to modify the delegations of authority for acting on a variety of applications (e.g., mergers, branches, relocations, deposit insurance, trust and banking powers, change in control, and management interlocks). The amendments do not alter any rights or obligations of any person, bank, or other applicant.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy L. Alper, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3720

RIN: 3064–AA84

3703. ● INSURANCE COVERAGE; UNIT INVESTMENT TRUST

Legal Authority: 12 USC 1813; 12 USC 1817; 12 USC 1821; 12 USC 1822

CFR Citation: 12 CFR 330

Legal Deadline: None

Abstract: The FDIC proposed amending Part 330 of its rules and regulations. Under the proposed rule, unit investment trusts would no longer be treated as corporations for purposes of insurance coverage limits where deposits in any one insured bank are insured to the maximum of $100,000. Instead, the proposal, if adopted, would result in deposit insurance up to $100,000 as to each beneficial owner of the trust's deposits.

Timetable:

Action	Date	FR Cite
NPRM	10/12/88	53 FR 39746
NPRM Comment Period End	12/12/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Douglas Birdzell, Special Counsel, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3716

RIN: 3064–AA73

3704. ● DEPOSIT LIABILITIES

Legal Authority: 12 USC 1813; 12 USC 1819

CFR Citation: 12 CFR 354

Legal Deadline: None

Abstract: The FDIC issued for public comment a proposed regulation expanding the definition of the term "deposit." The proposed rule would find that a bank's liability on a promissory note, bond, acknowledgement of advance, or similar obligation that is issued or undertaken by the insured bank as a means of obtaining funds is a deposit liability.

Timetable:

Action	Date	FR Cite
NPRM	11/25/88	53 FR 47723
NPRM Comment Period End	01/24/89	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katharine H. Haygood, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3732

RIN: 3064–AA92

3705. FOREIGN BANKS; DELEGATIONS OF AUTHORITY

Legal Authority: 12 USC 378; 12 USC 1813; 12 USC 1815; 12 USC 1816; 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820; 12 USC 1828; 12 USC 1829; 12 USC 3103; 12 USC 3104; 12 USC 3108; 15 USC 1607

CFR Citation: 12 CFR 346; 12 CFR 303

Legal Deadline: None

Abstract: The FDIC has proposed changes to its regulations pertaining to insured branches of foreign banks. Substantial changes are proposed to the current provisions relating to exemptions from the deposit insurance requirement, the capital equivalency requirement, and the country exposure provision. Changes are also being proposed to the pledge of assets requirement and to the delegations of authority concerning it (12 CFR Part 303.8), as well as to miscellaneous provisions throughout the regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/20/88	53 FR 41180
NPRM Comment Period End	12/19/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles V. Collier, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6850

RIN: 3064–AA78

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Completed Actions

3706. CAPITAL; RISK-BASED CAPITAL GUIDELINES

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 325

Legal Deadline: None

Abstract: The FDIC has amended Part 325 of its rules and regulations by adding an appendix to Part 325 regarding a statement of policy on risk-based capital that applies to all insured state nonmember banks. The risk-based capital framework reflected in the policy statement was developed jointly with representatives from the Federal Reserve System and the Office of the Comptroller of the Currency. It is largely based on the December 10, 1987, consultative paper prepared by the Basle Committee on Banking Regulations and Supervisory Practices.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	03/15/88	53 FR 8550
Proposed Guidelines Comment Period End	05/13/88	
Final Action	03/21/89	54 FR 11500
Final Action Effective	04/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephen G. Pfeifer, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-8904

RIN: 3064–AA37

3707. APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Legal Authority: 12 USC 1817(j)(13); 12 USC 1819; PL 99-570, Sec 1360

CFR Citation: 12 CFR 303

Legal Deadline: None

Abstract: The FDIC amended section 303.4 of Part 303 of its regulations to implement certain amendments to the Change in Bank Control Act made by section 1360 of the Anti-Drug Abuse Act of 1986. Under the final rule, the FDIC may waive the newspaper publication or comment solicitation requirements of the regulation, or may act on a proposed change in control prior to the expiration of the comment period. The final rule also provides that the FDIC may shorten the public comment period to a period of not less than 10 days.

Timetable:

Action	Date	FR Cite
NPRM	09/20/88	53 FR 36464
NPRM Comment Period End	11/21/88	
Final Action	12/27/88	53 FR 52111
Final Action Effective	12/27/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katharine H. Haygood, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3732

RIN: 3064–AA90

3708. RULES OF PRACTICE AND PROCEDURES

Legal Authority: 5 USC 504; 12 USC 1819; 12 USC 1972; 15 USC 78w

CFR Citation: 12 CFR 308

Legal Deadline: None

Abstract: The FDIC adopted a revised Part 308 to its rules and regulations which governs the conduct of administrative proceedings before the FDIC. The changes include a reorganization of existing sections of Part 308, revisions of some sections that existed previously, and the addition of new sections. The purpose of the revised regulation is to secure a just and orderly determination of administrative proceedings before the FDIC. The revised Part 308 is a result of the review conducted under FDIC's Regulation Review Program.

Timetable:

Action	Date	FR Cite
NPRM	02/24/88	53 FR 5392
NPRM Comment Period End	04/25/88	
Final Action	12/22/88	53 FR 51656
Final Action Effective	01/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Alper, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3720

RIN: 3064–AA64

3709. ● INTEREST ON DEPOSITS

Legal Authority: 12 USC 1819; 12 USC 1828(g); 12 USC 1832(a)

CFR Citation: 12 CFR 329

Legal Deadline: None

Abstract: The FDIC amended Part 329 of its rules and regulations to reflect a recent change in the law that gives nonprofit political organizations the right to hold NOW accounts.

Timetable:

Action	Date	FR Cite
Final Action	11/23/88	53 FR 47523
Final Action Effective	11/23/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jules Bernard, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-3731

RIN: 3064–AA32

3710. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 1819; EO 11222; EO 12565

CFR Citation: 12 CFR 336

Legal Deadline: None

Abstract: The FDIC adopted a revised Part 336 to its rules and regulations which governs the standards of ethical and other conduct of FDIC employees. Significant changes include identifying certain employees subject to reporting requirements and credit restrictions by position description series code; clarifying the permissible conditions of acceptance of food, refreshments, entertainment, and mementos; modifying existing credit restrictions with regard to credit cards; and other matters.

Timetable:

Action	Date	FR Cite
NPRM	07/12/88	53 FR 26262
NPRM Comment Period End	09/12/88	
Final Action	11/29/88	53 FR 47929

FDIC

Completed Actions

Action	Date	FR Cite
Final Action Effective	11/29/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Katherine A. Corigliano, Ethics Program Manager, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-7272

RIN: 3064–AA07

3711. ● FOREIGN BANKS; COUNTRY EXPOSURE CONCENTRATIONS

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1819; 12 USC 1820; 12 USC 3103; 12 USC 3104; 12 USC 3108

CFR Citation: 12 CFR 346

Legal Deadline: None

Abstract: The FDIC amended section 346.23 of its rules and regulations to change the deadline for complying with the limitations on country exposures of insured U.S. branches of foreign banks from December 31, 1988, to a provision providing that thirty days prior notice will be given before compliance is required.

Timetable:

Action	Date	FR Cite
Final Action	12/20/88	53 FR 51093
Final Action Effective	12/20/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles V. Collier, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, Washington, DC 20429, 202 898-6850

RIN: 3064–AA89

[FR Doc. 89-6184 Filed 04-21-89; 8:45 am]

BILLING CODE 6714-01-T

federal register

Monday
April 24, 1989

Part L

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 89-02, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 16 rulemakings listed, 15 are current and projected rulemakings and 1 is a completed action.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See the various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Lois D. Cashell,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Prerule Stage

3712. ● BLANKET SALES CERTIFICATES FOR FIRST SELLERS OF NATURAL GAS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982); EO 12009 3 CFR 1978 Comp., p. 142; 15 USC 3301 to 3432 (1982); 42 USC 7101 to 7352 (1982)

CFR Citation: 18 CFR 270; 18 CFR 271

Legal Deadline: None

Abstract: The proposed rule would grant blanket sales authority to first sellers of natural gas (except gas marketers) to make sales for resale in interstate commerce. Marketers would be required to apply individually for this authorization. The rule would eliminate virtually all of the certificate and filing requirements presently applicable to these sales. (This NOPR would consolidate Docket No. RM88-20-000 into this rule.) Docket No. RM89-2-000.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202 357-5597

RIN: 1902-AB11

3713. ● REGULATIONS GOVERNING SUBMITTAL OF PROPOSED HYDROPOWER LICENSE CONDITIONS, AND OTHER MATTERS

Significance: Agency Priority

Legal Authority: 16 USC 792a et seq. (1982 and Supp. 1987) Federal Power Act; 16 USC 661 et seq. (1982) Fish and Wildlife Coordination Act; 42 USC 4321 et seq (1982) National Environmental Policy Act

CFR Citation: 18 CFR 1

Legal Deadline: None

Abstract: This rulemaking will propose improvements in the coordination between the Commission and Federal and State fish and wildlife agencies concerning appropriate conditions and other measures to be taken in proceedings on the granting of licenses to applicants for hydroelectric facilities subject to the Commission's jurisdiction. Docket No. RM89-7-000.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202 357-5597

RIN: 1902-AB12

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Proposed Rule Stage

3714. FEES FOR HYDROPOWER PROJECTS

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Legal Deadline: None

Abstract: The rulemaking would establish a fee for services performed by the Commission under the Federal Power Act for hydropower projects. The rule would cover permits, licenses and exemptions. Docket No. RM83-33-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: No action expected in the next 12 months.

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North

FERC — Proposed Rule Stage

Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA48

3715. STANDARDS OF CONDUCT

Significance: Agency Priority

Legal Authority: EO 11222

CFR Citation: 18 CFR 3c

Legal Deadline: None

Abstract: This rulemaking proceeding would update and revise the Commission's Standards of Conduct for employees and Commissioners. Docket No. RM88-8-000.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB01

3716. OPTIONAL CERTIFICATES FOR CONSTRUCTION RELATED TO TRANSPORTATION

Significance: Agency Priority

Legal Authority: 15 USC 717f

CFR Citation: 18 CFR 157

Legal Deadline: None

Abstract: The rulemaking will consider revision of the Commission's regulations, codified at 18 C.F.R. Part 157, Subpart E, governing optional procedures to obtain a certificate for transportation and sale of natural gas facilities under Section 7 of the Natural Gas Act. Docket No. RM88-11-000.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB03

3717. 5-YEAR TAKE-OR-PAY MAKE-UP PROVISIONS IN NATURAL GAS PRODUCER-PIPELINE CONTRACTS

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009 (1978) 3 CFR Part 142; 31 USC 9701 (1970) Independent Offices Approp. Act

CFR Citation: 18 CFR 154

Legal Deadline: None

Abstract: This notice of proposed rulemaking eliminates the requirement in the Commission's regulations that a gas purchase contract between an independent natural gas producer and an interstate natural gas pipeline must allow the pipeline a minimum 5-year make-up period in which to take gas for which payment has already been made. The Commission believes that this requirement, established in 1967, may no longer be necessary in light of current efforts by pipelines and producers to resolve take-or-pay issues and to enter into market-responsive contracts for future gas supplies. Docket No. RM88-20-000.(See Docket No. RM89-2-000).

Timetable:

Action	Date	FR Cite
NPRM	07/14/88	53 FR 27704
NPRM Comment Period End	08/15/88	53 FR 27704

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB08

3718. ● ESTABLISHMENT OF DEADLINES FOR FIRST SELLERS TO MAKE AND REPORT REFUNDS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982); EO 12009 3 CFR 1978 Comp., p. 142; 16 USC 792 to 825r (1982); 15 USC 3301 to 3402 (1982); 15 USC 717 to 717w (1982); 16 USC 2601 to 2645 (1982); 16 USC 4321 to 4370a (1982)

CFR Citation: 18 CFR 2; 18 CFR 154; 18 CFR 157; 18 CFR 250; 18 CFR 375; 18 CFR 381; 18 CFR 389

Legal Deadline: None

Abstract: This notice of proposed rulemaking would revise the Commission's regulations for carrying out wellhead pricing refund requirements under the Natural Gas Policy Act of 1978. The proposed revisions establish specific time limits by which first sellers must make refunds of overcollections or unauthorized collections of prices and file refund reports. (Docket No. RM89-6-000).

Timetable:

Action	Date	FR Cite
NPRM	03/01/89	54 FR 8557
NPRM Comment Period End	05/01/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Smoler, Assistant General Counsel, for Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202 357-5597

RIN: 1902–AB10

FEDERAL ENERGY REGULATORY COMMISSION (FERC)

Final Rule Stage

3719. CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Legal Authority: 16 USC 791a to 828c

CFR Citation: 18 CFR 35

Legal Deadline: None

Abstract: The proposed rule would provide that the cash working capital requirements of a public utility that files an electric rate schedule will be presumed to be zero dollars, and thus will not affect the utility's rate base, unless the utility shows there is a significant difference between the time it pays certain current operating expenses and the time it receives revenues from ratepayers. The proposed rule would establish a threshold standard that must be met to support a cash working capital adjustment to a utility's rate base, the expense elements to be considered in calculating cash working capital adjustments to rate base, and criteria applicable to studies submitted in support of a request for an adjustment to rate base. Docket No. RM84-9-000.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period End	06/04/84	49 FR 14384
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA33

3720. REGULATION OF NATURAL GAS PIPELINES AFTER PARTIAL WELLHEAD DECONTROL

Significance: Agency Priority

Legal Authority: 42 USC 7102 to 7352 (1982); EO 12009 3 CFR 1978 Comp., p.142; 5 USC 551 to 557 (1982); 15 USC 717 to 717w (1982); 16 USC 791 to 828c (1982); 15 USC 3301 to 3402 (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 2; 18 CFR 284.10; 18 CFR 284.8; 18 CFR 284.9; 18 CFR 2.104; 18 CFR 2.105

Legal Deadline: None

Abstract: Order No. 500 is an interim rule that readopted the regulations promulgated in Order No. 436 with one addition and one deletion. Order No. 500 added a requirement that producers submit an offer of take-or-pay credits to an open access pipeline in order to make the pipeline's gas eligible for transportation (unless the pipeline and producer agree to a different arrangement); it deleted the customers' contract demand reduction option. Order No. 500 also adopted a policy on passthrough mechanisms for take-or-pay buyout and buydown costs and on gas inventory charges. Order Nos. 500-A, 500-B, 500-C and 500-D made changes to the crediting provisions and extended certain deadlines. Rehearing of the Order No. 500 interim rule was denied in Order No. 500-E. Docket No. RM87-34-000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/07/87	52 FR 30334
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: See Order Explaining Crediting (Oct. 16, 1987) and Order Nos. 500-A, 500-B, 500-C, 500-D and 500-E for more details.

Agency Contact: Andrea Wolfman, Assistant General Counsel, for Pipeline Rates and Valuation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8448

RIN: 1902–AA97

3721. REGULATIONS GOVERNING BIDDING PROGRAMS

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982); EO 12009 3 CFR 142 (1978); 31 USC 9701 (1982); 16 USC 7919 to 8252 (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 35; 18 CFR 293

Legal Deadline: None

Abstract: The Commission proposed to adopt regulations authorizing state regulatory authorities and nonregulated electric utilities to implement bidding procedures as a means of establishing rates for power purchases from qualifying facilities (QFs) under section 210 of PURPA. Docket No. RM88-5-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9323
NPRM Comment Period End	06/14/88	53 FR 9323
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA98

3722. REGULATIONS GOVERNING INDEPENDENT POWER PRODUCERS

Significance: Agency Priority

Legal Authority: PL 99-509, Sec 3401; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 5 USC 551 to 557 (1982); 15 USC 717 to 717w (1982); 16 USC 791a to 828c (1982); 15 USC 3301 to 3432 (1982); 16 USC 2601 to 2645 (1982); 49 USC 1 to 27 (1976)

CFR Citation: 18 CFR 38; 18 CFR 382

Legal Deadline: None

Abstract: The Commission proposed to streamline regulation of a class of non-traditional utility suppliers, called independent power producers (IPPS). The proposed regulations would: (1) authorize rates for IPPS to be determined through competition or rate negotiation subject to a price cap, thereby freeing IPPS from cost-based ratemaking while ensuring that rates fall within a zone of reasonableness: (2) authorize IPPs to file rate schedules without having to provide extensive cost support; (3) exempt IPPS from cost-related accounting, reporting and recordkeeping requirements; (4) streamline the corporate and financial regulation of IPPS; (5) provide the blanket prior authorizations to engage in certain corporate activities; and (6) adopt and advance certification procedures to qualify as an IPP. Docket No. RM88-4-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9327
NPRM Comment Period End	06/16/88	53 FR 9327
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AA99

3723. ADMINISTRATIVE DETERMINATION OF FULL AVOIDED COSTS, SALES OF POWER TO QUALIFYING FACILITIES AND INTERCONNECTION FACILITIES

Significance: Agency Priority

Legal Authority: PL 99-495; 42 USC 7101 to 7352 (1982); EO 12009 3 CFR (1978) Comp., p. 142; 31 USC 9701 (1982); 16 USC 791a to 825r (1982); 16 USC 2601 to 2645 (1982)

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: The Commission is proposing to amend its regulations governing purchases and sales of electricity between electric utilities and qualifying cogeneration facilities and qualifying small power production facilities (QFs). Docket No. RM 88-6-000.

Timetable:

Action	Date	FR Cite
NPRM	03/16/88	53 FR 9331
NPRM Comment Period End	06/14/88	53 FR 9331
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB00

3724. RELICENSING REGULATIONS UNDER THE FEDERAL POWER ACT

Significance: Agency Priority

Legal Authority: 16 USC 791a to 825r; 16 USC 2601 to 2645; 42 USC 7101 to 7352; EO 12009 3 CFR 142 (1978)

CFR Citation: 18 CFR 4; 18 CFR 16

Legal Deadline: None

Abstract: In this notice of proposed rulemaking, the Commission proposes to revise its regulations governing the relicensing of hydroelectric power projects. The proposed changes include revised requirements for an application for a new license, a process for pre-filing consultation with resource agencies, a new standard and factors for evaluating a relicensing application for a nonpower license, a minor license, and an exemption from licensing upon expiration of an existing license and would provide for acceleration of a license expiration date and site access for competing applicants. The proposal implements in part changes made to the Federal Power Act by the Electric Consumers Protection Act of 1986. Docket No. RM87-33-000.

Timetable:

Action	Date	FR Cite
NPRM	05/24/88	53 FR 21844
NPRM Comment Period End	09/08/88	53 FR 21844
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB02

3725. BROKERING OF INTERSTATE NATURAL GAS PIPELINE CAPACITY

Significance: Agency Priority

Legal Authority: 15 USC 717 to 717w (1982) Natural Gas Act; 15 USC 3301 to 3432 (1982) Natural Gas Policy Act of 1976; 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009, 3 CFR 1978 Comp., p.142; 4 USC 551 to 557 (1982) Administrative Procedures Act; 31 USC 9701 (1982) Independent Offices Approp. Act; 16 USC 7901 to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Public Utilities Reg. Pol. Act; 49 USC 1 to 27 (1982) Interstate Commerce Act

CFR Citation: 18 CFR 284; 18 CFR 385

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission proposed to allow holders of firm transportation rights on an interstate natural gas pipeline to sell or assign (broker) those rights. Rights to the pipeline's system storage could also be brokered to the extent that these rights are subject to Secs. 284.8 and 284.9 of the Commission's regulations. Docket No. RM88-13-000

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	53 FR 15061
NPRM Comment Period End	05/19/88	53 FR 15061
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5597

RIN: 1902–AB06

3726. REGULATIONS GOVERNING THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

Significance: Agency Priority

Legal Authority: 42 USC 7101 to 7352 (1982) Dept. of Energy Organ. Act; EO 12009, 3 CFR 1978, Comp., p. 142; 31 USC 9701 (1982) Independent Offices Approp. Act; 16 USC 791a to 825r (1982) Federal Power Act; 16 USC 2601 to 2645 (1982) Public Util. Regulatory Pol. Act

CFR Citation: 18 CFR 292

Legal Deadline: None

Abstract: Under this notice of proposed rulemaking, the Commission is proposing to amend its regulations governing the implementation of Title II of the Public Utility Regulatory Policies Act of 1978 (PURPA). This rule addresses problems with the criteria and procedures under Section 201 of PURPA by which qualifying small power production and cogeneration facilities can obtain PURPA benefits. Docket No. RM88-17-000.

Timetable:

Action	Date	FR Cite
NPRM	07/29/88	53 FR 31021
NPRM Comment Period End	10/27/88	53 FR 31021
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler, Assistant General Counsel, Rulemaking and Environmental Law, Federal Energy Regulatory Commission, 825 North

FERC **Final Rule Stage**

Capitol Street, NE, Washington, DC 20426, **202 357-5597**

RIN: 1902–AB07

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Completed Actions

3727. REGULATIONS UNDER SECTION 5 OF THE OUTER CONTINENTAL SHELF LANDS ACT (OCSLA) GOVERNING TRANSPORTATION OF NATURAL GAS ON THE OUTER CONTINENTAL SHELF

Significance: Agency Priority

CFR Citation: 18 CFR 284

Completed:

Reason	Date	FR Cite
Final Action	12/19/88	53 FR 50925
Final Action Effective	02/17/88	53 FR 50925

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry M. Smoler 202 357-5597

RIN: 1902–AB09

[FR Doc. 89-5860 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part LI

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FEDERAL HOME LOAN BANK BOARD (FHLBB)

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 89-325]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the "April Unified Agenda of Federal Regulations."

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

Dated: February 22, 1989.
By the Federal Home Loan Bank Board.
John F. Ghizzoni,
Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Proposed Rule Stage

3728. ● RELEASE OF CUSTOMER FINANCIAL RECORDS BY FEDERAL ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1425b; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1726; 12 USC 1728; 12 USC 1730; 12 USC 1730a

CFR Citation: 12 CFR 545.131; 12 CFR 545.132; 12 CFR 545.141; 12 CFR 552.11

Legal Deadline: None

Abstract: The Bank Board is proposing to revise its regulations concerning the releases by federally chartered savings and loan associations and savings banks of customer financial records. It would generally authorize a Federal association to disclose the names and addresses of its customers to any party unless the customer objects, but would prohibit the disclosure of confidential information regarding customers' savings or loan accounts subject to specific exceptions. It would also modify the requirement that Federal mutual associations obtain the prior approval of either the Board or a Supervisory Agent before releasing their customer records.

Timetable:

Action	Date	FR Cite
NPRM	02/06/89	54 FR 5629
NPRM Comment Period End	04/07/89	54 FR 5629

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeffrey R. Williams, Attorney-Advisor, Regulations and, Legislation Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6559

RIN: 3068–AA86

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Final Rule Stage

3729. INSURANCE TERMINATION PROVISIONS

Legal Authority: 12 USC 1464; 12 USC 1727; 12 USC 1730

CFR Citation: 12 CFR 565

Legal Deadline: None

Abstract: The Bank Board is reviewing a number of issues relating to the extent to which institutions insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") that terminate their insured status in connection with transfers by operation of law must pay a final insurance premium to the FSLIC. As part of its review, the Bank Board is soliciting public comment to ascertain whether to issue a proposal in this area. On October 7, 1986, the Bank Board adopted a clarifying amendment to the definition of "transfers" set forth in its statement of policy regarding mergers and transfers of assets. [12 CFR 571.5(a)]. However, as the clarification indicates, the interpretation did not specifically address the separate issues of whether an insured institution undertaking a transfer of assets and liabilities by operation of law in which the surviving entity is not FSLIC-insured must pay a final insurance premium to the FSLIC, and if so, the amount of such payment. The Bank Board has been reviewing this so-called "exit premium" issue on an ongoing basis and as yet has made no final determination with respect to this matter.

Timetable:

Action	Date	FR Cite
ANPRM	05/08/87	52 FR 17408
ANPRM Comment Period End	07/07/87	52 FR 17408
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: In view of the continued importance of this issue as it relates to the financial condition of the FSLIC insurance fund, the Bank Board is hereby soliciting public comment on this subject.

Since the proposal is only an advance notice of proposed rulemaking, the potential costs and benefits of a proposed regulation on the industry have not been quantified.

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 906-6963

RIN: 3068–AA28

3730. INVESTMENT PORTFOLIO POLICY AND ACCOUNTING GUIDELINES

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1464; 12 USC 1725 to 1726; 15 USC 78c

CFR Citation: 12 CFR 571.19; 12 CFR 563c

Legal Deadline: None

Abstract: The Board is proposing to amend its regulations governing institutions insured by the Federal Savings and Loan Insurance Corporation by adopting a statement of policy and by amending its rules to clarify that insured institutions must account for securities held for investment sale and/or trading in accordance with generally acceptable accounting procedures ("GAAP"). The proposed policy statement requires an insured institution's board of directors to document and monitor its investment in policy and strategies; discuss the appropriate documentation of investment decisions; summarize GAAP applicable to securities held for investment,sale, and/or trading; and offer guidance on the application of GAAP by insured institutions in determining when securities should be accounted for as a security held for trading. The Board's intent is to provide guidance and clarifications to insured institutions on the accounting for and classification of investment in securities within the confines of existing accounting literature.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23247
NPRM Comment Period End	09/20/88	53 FR 31363

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Julie A. Gerschick, Professional Accounting Fellow, Office of Regulatory Activities, Federal Home Loan Bank Board, 801 17th Street, N.W., Washington, D.C. 20006, 202 331-4583

RIN: 3068–AA62

3731. RULES OF PRACTICE AND PROCEDURE

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1464; 12 USC 1730q; 12 USC 1730a; PL 89-695; PL 89-630

CFR Citation: 12 CFR 509; 12 CFR 512

Legal Deadline: None

Abstract: The Bank Board is proposing revisions to 12 CFR Parts 509 and 512 respectively, its regulations governing rules of practice and procedure in adjudicatory proceedings. The proposed revisions to Part 509 would streamline prehearing procedures with a view toward expediting the proceedings, clarify the authority of Administrative Law Judges appointed to conduct the proceedings, and add several new provisions. The proposed revisions to Part 512 would be of a clarifying and technical nature and would update several provisions of the rules relating to the conduct of investigative and formal examination proceedings.

There are no alternatives that would be less burdensome than the proposed amendments in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulations on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	09/29/88	53 FR 40432
NPRM Comment Period End	12/16/88	53 FR 40432

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Gary A. Gegenheimer, Senior Attorney, Office of Enforcement, Federal Home Loan Bank Board, 1735 Eye Street, N.W., Washington D.C. 20552, 202 906-7110

RIN: 3068–AA64

3732. TRANSACTIONS WITH AFFILIATES

Significance: Agency Priority

Legal Authority: 12 USC 1730a; 12 USC 1425a; 12 USC 1462; 12 USC 1724; PL 100-86

CFR Citation: 12 CFR 584.3

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations pertaining to transactions between institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation and affiliates of those institutions. The proposed amendments (1) define and clarify the applicability of the limitations and prohibitions specified in sections 23A and 23B of the Federal Reserve Act and (2) clarify the applicability of the limitations and prohibitions specified in the Board's regulations existing prior to the Competitive Equality Banking Act (CEBA). The proposed amendments are intended to further the Congressional intent codified in CEBA by providing parity between a bank and a thrift holding company with respect to the treatment of transactions between the subsidiary depository institution and its affiliates engaged in activities permissible for a bank holding company under the Bank Holding Company Act and the regulations thereunder.

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the regulation on (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 21838
NPRM Comment Period End	08/09/88	53 FR 21838
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT: the industry have not been quantified.

Agency Contact: Steven J. Gray, Attorney, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington DC 20552, 202 906-7506

RIN: 3068–AA65

3733. READMISSION OF FEDERAL HOME LOAN BANK MEMBERS TERMINATING THEIR STATUS AS INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1730(i); PL 89-695; 12 USC 1426(i)

CFR Citation: 12 CFR 523

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations governing applications for membership in the

Federal Home Loan Bank ("FHLBank") System by institutions that have been removed from membership under the National Housing Act by virtue of the termination of Federal Savings and Loan Insurance Corporation ("FSLIC") insurance of their accounts. Specifically, the proposal would amend Part 523 of the Board's Rules and Regulations for the Federal Home Loan Bank System, to provide that an FHLBank member that terminates its status as an FSLIC-insured institution and is thereby removed from FHLBank membership (as well as any other member whose membership is terminated pursuant to section 6(i) of the Federal Home Loan Bank Act), may be readmitted as a member only after the expiration of a five year period following its departure from the FHLBank System.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Timetable:

Action	Date	FR Cite
NPRM	08/15/88	53 FR 30686
NPRM Comment Period End	10/14/88	53 FR 30686
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: John A. Buchman, Assistant Deputy Director, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, DC 20552, 202 906-6963

RIN: 3068–AA66

3734. ● BONDS FOR DIRECTORS, OFFICERS, EMPLOYEES AND AGENTS; FORM AND AMOUNT OF BONDS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563.19

Legal Deadline: None

Abstract:

The Bank Board is proposing to amend 12 CFR 563.19 by deleting the current schedule for calculating the permissible deductible amount for bonds for directors, officers, employees, and agents of FSLIC-insured institutions. A new method for calculating the permissible deductible would be instituted making the maximum permissible deductible the higher of either five percent of tangible capital as defined in 12 CFR 563.9-8(b)(12) or $50,000, with some exceptions.

In addition, the allowance for institutions to increase the permissible deductible to a maximum of three times the permissible amount if losses under the bond exceed 50 percent of the premium would be eliminated as it would become unnecessary with the increase in permissible deductibles.

Timetable:

Action	Date	FR Cite
NPRM	11/10/88	53 FR 45484
NPRM Comment Period End	01/09/89	53 FR 45484

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Cindy L. Hausch, Financial Analyst, Office of, District Banks, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-7488

RIN: 3068–AA71

3735. ● ELECTION OF DIRECTORS OF THE FEDERAL HOME LOAN BANKS

Significance: Agency Priority

Legal Authority: 12 USC 1425b; 12 USC 1426; 12 USC 1427; 12 USC 1437; 12 USC 1464; 12 USC 1725; 12 USC 1726; 12 USC 1730; 18 USC 207; 42 USC 8101 et seq.

CFR Citation: 12 CFR 522

Legal Deadline: None

Abstract:

The Bank Board is proposing to amend its rules and regulations governing the Election of Directors of the Federal Home Loan Banks ("Banks") due to its concern about the appearance of conflicts of interest that may exist when officers or directors of institutions that are of regulatory concern are elected to positions as directors of the Banks. The Board feels that it may not be appropriate for persons who have been the subject of regulatory concern to serve on the boards of the Banks as they are an important part of the supervision and regulation of the thrift industry.

Timetable:

Action	Date	FR Cite
ANPRM	11/03/88	53 FR 44437
ANPRM Comment Period End	12/05/88	53 FR 44437

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Carey, Director, Bank Liason Division, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6656

RIN: 3068–AA72

3736. ● REGULATORY CAPITAL REQUIREMENTS FOR INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 561.13; 12 CFR 563.13

Legal Deadline: None

Abstract:

The Bank Board is proposing to amend its regulations concerning capital requirements for FSLIC-insured institutions. The proposal is more risk-based than the Board's current capital regulations, in order to ensure that institutions engaging in higher risk activities are adequately capitalized. The proposal also addresses interest-rate risk and collateralized borrowing.

Timetable:

Action	Date	FR Cite
NPRM	12/23/88	53 FR 51800
NPRM Comment Period End	03/23/89	53 FR 51800

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robert Fishman, Senior Policy Analyst, Office of,

Regulatory Activities, Federal Home Loan Bank Board, 801 17th Street, N.W., Washington, D.C. 20006, 202 331-4592

RIN: 3068–AA73

3737. ● EQUITY-RISK INVESTMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563.9-8

Legal Deadline: None

Abstract:

The Bank Board is proposing to amend 12 CFR 563.9-8 concerning investments by FSLIC-insured institutions in equity securities, real estate, service corporations, operating subsidiaries, and certain land loans and non-residential construction loans. The proposal would extend the current equity-risk investment regulation until August 14, 1989 to give the Board the opportunity to analyze the results of its recent regulatory capital proposal and the report on equity-risk investment due to Congress on February 10, 1989.

In addition, the proposal would remove the exclusion for Fannie Mae and Freddie Mac stock purchases by insured institutions, on or after an appropriate date, from the definition of "equity security" found in 12 CFR 563.9-8(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	01/04/89	54 FR 155
NPRM Comment Period End	02/03/89	54 FR 155

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard M. Schwartz, Attorney, Regulations and Legislation, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6897

RIN: 3068–AA74

3738. ● REQUIRED CAPITAL LEVELS FOR INSURED INSTITUTIONS; REGULATORY INTERVENTION

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724; 12 USC 1725 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563

Legal Deadline: None

Abstract:

In conjunction with its current proposal to amend its regulations to establish minimum capital requirements for FSLIC-insured institutions, the Bank Board is addressing whether the final capital regulation should contain specific language defining a particular level of capital as an "unsafe and unsound condition to transact business" for the purpose of activating the Board's statutory authority to appoint a conservator or receiver for an institution. The Board is considering setting its floor capital requirement at a level of 1.5% of total assets, to be held in the form of core equity capital.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/89	54 FR 826
ANPRM Comment Period End	02/09/89	54 FR 826

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Theresa Stark, Attorney, Regulations and Legislation, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-7054

RIN: 3068–AA75

3739. ● ISSUANCE AND USE OF SUBORDINATED DEBT SECURITIES

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563.8-1

Legal Deadline: None

Abstract:

The Bank Board is proposing to amend 12 CFR 563.8-1, its regulations governing the issuance of subordinated debt securities by insured institutions, to codify certain interpretations of the rule and to incorporate technical revisions to the rule which are necessary due to recently- enacted legislation.

The proposal would also modify the bases for supervisory objection to approval of a subordinated debt application by giving the Office of Regulatory Activities ("ORA") the authority to develop guidelines outlining the bases for supervisory objection to the issuance of subordinated debt. The Principal Supervisory Agent ("PSA") would be given the authority to approve or deny subordinated debt applications, subject to an appeal process.

The proposal also includes a standard set of conditions which would apply to approvals of applications to include subordinated debt in regulatory capital.

Timetable:

Action	Date	FR Cite
NPRM	01/13/89	54 FR 1379
NPRM Comment Period End	03/14/89	54 FR 1379

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Paul D. Glenn, Attorney, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6203

RIN: 3068–AA76

3740. ● MUTUAL SAVINGS AND LOAN HOLDING COMPANIES

Significance: Agency Priority

Legal Authority: 12 USC 1437; 12 USC 1725

CFR Citation: 12 CFR Chapter V

Legal Deadline: None

Abstract:

The Bank Board is reviewing issues to be addressed through the implementation of the mutual holding company provisions of the National Housing Act ("NHA") added by the Competitive Equality Banking Act of 1987 ("CEBA"). The provisions permit any insured institution to reorganize to form a holding company by chartering an interim savings institution whose stock is wholly-owned by the mutual institution and transferring substantially all of the mutual institution's assets and liabilities

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(including all insured liabilities) to the interim savings institution.

Timetable:

Action	Date	FR Cite
ANPRM	10/21/88	53 FR 41343
ANPRM Comment Period End	12/05/88	53 FR 44436

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeff Miner, Assistant Deputy Director, Corporate and, Securities Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-7546**

RIN: 3068–AA77

3741. ● ACQUISITION OF CONTROL OF INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1730a

CFR Citation: 12 CFR 574.7

Legal Deadline: None

Abstract:

The Bank Board is proposing revisions to its applications processing regulations with regard to the approval of the formation of savings and loan holding companies by insured institutions. The revisions would include automatic approval of applications for routine reorganizations involving the formation of savings and loan holding companies, subject to certain requirements. Applications would be automatically approved 30 calendar days after filing if the Board has not notified the applicant in writing that more information is required, that it is materially deficient, or that it is denied.

The proposed revisions also provide for an improved approval process for permission to organize an interim federal institution for insurance of accounts, for Federal Home Loan Bank Membership and merger of any interim institution that is part of the reorganization transaction.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4040
NPRM Comment Period End	03/28/89	54 FR 4040

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Howard C. Bluver, Attorney, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-7504**

RIN: 3068–AA79

3742. ● ACQUISITION OF CONTROL OF INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1730; 12 USC 1730a

CFR Citation: 12 CFR 574.6

Legal Deadline: None

Abstract:

The Bank Board is proposing to adopt a short-form application for use by insured institutions seeking approval for routine reorganizations involving the formation of savings and loan holding companies. The proposal is intended to improve the application process by limiting the required contents of routine reorganization applications to that which is necessary for the FSLIC to make informed decisions.

Timetable:

Action	Date	FR Cite
NPRM	01/27/89	54 FR 4043
NPRM Comment Period End	03/28/89	54 FR 4043

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Howard Bluver, Attorney, Corporate and Securities Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-7504**

RIN: 3068–AA80

3743. ● CORPORATE GOVERNANCE, PART I

Significance: Agency Priority

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 541.0 et seq.; 12 CFR 542.1 et seq.

Legal Deadline: None

Abstract: The Bank Board is proposing extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations. Due to the magnitude of the revisions, the Bank Board has presented the proposal in parts, issued separately for public comment. The proposed regulations would reorganize portions of Subchapter C (the regulations for federally chartered associations) and amend and add sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part I would provide definitions and rules for the organization and incorporation of Federal associations.

The proposed rule would apply equally to all insured institutions.

Timetable:

Action	Date	FR Cite
NPRM	09/25/85	50 FR 38832
NPRM Comment Period End	02/01/88	52 FR 42116

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: V. Gerard Comizio, Director, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-6411**

RIN: 3068–AA82

3744. ● CORPORATE GOVERNANCE, PART II

Significance: Agency Priority

Legal Authority: 12 USC 1464

CFR Citation: 12 CFR 543.1 et seq.; 12 CFR 544.1 et seq.

Legal Deadline: None

Abstract: The Bank Board is proposing extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations. Due to the magnitude of the revisions, the Bank Board has presented the proposal in parts, issued separately for public comment. The proposed regulations would reorganize portions of Subchapter C (the regulations for

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federally chartered associations) and amend and add sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part II would contain provisions regarding the corporate structure and governing processes for Federal stock associations and Federal mutual associations.

Timetable:

Action	Date	FR Cite
NPRM	12/24/85	50 FR 52482
NPRM Comment Period End	02/01/88	52 FR 42116
Partial Withdrawal	02/06/89	54 FR 5629

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: V. Gerard Comizio, Director, Corporate and Securities, Division, O.G.C., Federal Home Loan Bank Board, 1700 G Stree, N.W., Washington, D.C. 20552, 202 906-6411

RIN: 3068–AA83

3745. ● DRUG-FREE WORKPLACE REQUIREMENTS

Significance: Agency Priority

Legal Authority: 12 USC 1437(a)

CFR Citation: 12 CFR 516; 12 CFR 516.305; 12 CFR 516.320

Legal Deadline: Final, Statutory, February 16, 1989.

Abstract: The Bank Board is implementing the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D). The Act requires contractors and grantees of Federal agencies to certify that they will provide drug-free workplaces.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/89	54 FR 4946

Next Action Undetermined

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Caroline Morris, Attorney, Legal Counsel Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6431

RIN: 3068–AA85

3746. ● CONFORMING AND TECHNICAL AMENDMENTS TO THE CLASSIFICATION OF ASSETS SYSTEM

Significance: Agency Priority

Legal Authority: 12 USC 1425a; 12 USC 1425b; 12 USC 1464; 12 USC 1730a; 12 USC 1462; 12 USC 1724 to 1730; 12 USC 1421 et seq.; 12 USC 1437; 12 USC 1461 et seq.; 12 USC 3806; 15 USC 78c; 12 USC 1730g; 5 USC 552; 5 USC 559; 12 USC 1431

CFR Citation: 12 CFR 545.45; 12 CFR 545.73; 12 CFR 545.74; 12 CFR 545.112; 12 CFR 546.2; 12 CFR 561.17; 12 CFR 563.7-5; 12 CFR 563.8; 12 CFR 563.8-1; 12 CFR 563.8-4; 12 CFR 563.9-7; 12 CFR 563.9-8; 12 CFR 563.17-2; 12 CFR 563.22; 12 CFR 563b.101; ...

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations by removing references to scheduled items and specified assets to ensure that they conform with the classification of assets system mandated by the Competitive Equality Banking Act of 1987 (Pub.L. 100-86, 101 Stat. 552).

Timetable:

Action	Date	FR Cite
NPRM	02/14/89	54 FR 6685
NPRM Comment Period End	03/16/89	54 FR 6685

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jeffrey R. Williams, Attorney-Advisor, Regulations and, Legislation Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6559

RIN: 3068–AA90

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3747. CONSERVATORS AND RECEIVERS

Legal Authority: 12 USC 1464; 12 USC 1724(d); 12 USC 1729; PL 99-120, Sec 6

CFR Citation: 12 CFR 547; 12 CFR 548; 12 CFR 549; 12 CFR 563.8-3; 12 CFR 563.39(a); 12 CFR 569a; 12 CFR 569b; 12 CFR 569c

Legal Deadline: None

Abstract: The Board is proposing extensive revisions to its regulations governing the conservatorship and receivership of associations chartered by the Board or the accounts of which that are insured by the Federal Savings and Loan Insurance Corporation. The Board will unify the appointment of receiver procedures for state and federal institutions; adopt procedures for appointment of receivers under section 406(c)(1)(B) of the National Housing Act; and address the priorities in liquidation and participation interests in liquidation, which are absent from or inadequately covered in the present regulations. The Board is also proposing that its regulations cover topics such as the effect of the receivership appointment on executory contracts, employment agreements, certain "Golden Parachute" agreements, participation agreements, repurchase agreements, and on agreements relating to secured and unsecured borrowings by an insured institution, including agreements providing for prepayment or default penalties. The proposed regulations provide for new rules of general applicability in the areas previously mentioned, clarify existing provisions, and reorganize and recodify all the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/08/85	50 FR 48970
NPRM Publication of Board Action	11/27/85	50 FR 48970
NPRM Comment Period End	01/22/86	
Period of consideration elapsed	12/01/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: regulations governing conservatorships and receiverships.

There are no alternatives being considered by the Board in lieu of the proposed regulation that would have less impact on small institutions, consistent with the intended result, than the concerns expressed in the supplementary information to the proposed rule and the existing statutory requirements concerning receiverships and conservatorships.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

On July 5, 1988, the Board promulgated as a final rule certain portions of this proposed rule (53 FR 25129). The final rule establishes a priority structure for unsecured claims applicable to all FSLIC receiverships under a new Part 569c of Title 12 of the Code of Federal Regulations.

The time period for Board consideration of the proposal elapsed on December 1, 1988. It is expected that the proposal will be formally withdrawn and reproposed at a later date.

Agency Contact: Lawrence W. Hayes, Deputy General Counsel for FSLIC, O.G.C., Federal Home Loan Bank Board, 1700 G St. NW, Washington, DC 20552, 202 906-6428

RIN: 3068–AA07

3748. CORPORATE GOVERNANCE, PARTS III AND IV

Legal Authority: 12 USC 1464; 12 USC 2609

CFR Citation: 12 CFR 501.12; 12 CFR 543.10-5; 12 CFR 544.9-2; 12 CFR 544.10-5; 12 CFR 545.2; 12 CFR 545.3; 12 CFR 545.12; 12 CFR 545.21; 12 CFR 454.32; 12 CFR 545.33; 12 CFR 545.34; 12 CFR 545.46; 12 CFR 545.74; 12 CFR 545.91; 12 CFR 545.95; ...

Legal Deadline: None

Abstract: The Bank Board is proposing extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations. Due to the magnitude of the revisions, the Bank Board has presented the proposal in parts, issued separately for public comment. The proposed regulations would reorganize portions of Subchapter C (the regulations for federally chartered associations) and amend and add sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part III proposes revisions to the rules governing operations of and charter conversion from and to Federal associations. Part IV proposes provisions regarding conservatorships, receiverships, trust powers, miscellaneous provisions, Board rulings, and statements of policy. The proposed rule would apply equally to all insured institutions.

The time period for Board consideration of the proposal elapsed on August 1, 1988. It is expected that the proposal will be formally withdrawn and reproposed at a later date. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/09/87	52 FR 25870
NPRM Comment Period End	02/01/88	52 FR 42116
Period for consideration elapsed	08/01/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: CFR CITATION CONT: 12 CFR 545.114, 12 CFR 545.121, 12 CFR 545.123, 12 CFR 545.131, 12 CFR 546.1, 12 CFR 546.2, 12 CFR 546.3, 12 CFR 546.4, 12 CFR 546.5, 12 CFR 546.6, 12 CFR 546.7, 12 CFR 546.8, 12 CFR 546.9, 12 CFR 546.10, 12 CFR 546.11, and 12 CFR 551.

ABSTRACT CONT:

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Kathleen M. Ulrich, Staff Attorney, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 906-7049

RIN: 3068–AA25

3749. ACCOUNTING POLICY RELATING TO ACQUISITION, DEVELOPMENT AND CONSTRUCTION LOANS

Legal Authority: Notice to Practitioners on ADC Loans, CPA Letter, Feb 10, 1986

CFR Citation: 12 CFR 571.17

Legal Deadline: None

Abstract: The Bank Board proposed to amend its statement of accounting policy relating to acquisition, development and construction ("ADC") loans used by all institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") or affiliates thereof when preparing reports or financial statements for filing with the Bank Board or the FSLIC. The amendments relate to the recent "Notice to Practitioners" issued by the American Institute of Certified Public Accountants, which superseded two prior notices issued in November 1983 and November 1984, and to the public position regarding the effective date of the recent notice taken by the Chief Accountant of the Securities and Exchange Commission. By proposing this amendment to its statement of policy, the Bank Board is adhering to its policy that insured institutions are expected to apply the guidance of the accounting profession for determining whether a transaction characterized as an ADC loan is in fact a loan or whether, in substance, it is a real estate investment or a joint venture. The proposed rule would apply equally to all insured institutions. (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/13/87	52 FR 7887
NPRM Comment Period End	05/12/87	52 FR 7887
Withdrawn	11/10/88	53 FR 45454
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT:

There are no alternatives that would be less burdensome than the proposed rule in addressing the concerns expressed above.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

Agency Contact: Deborah Dakin, Regulatory Counsel, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 906-6445

RIN: 3068–AA27

3750. INDEMNIFICATION OF DIRECTORS, OFFICERS AND EMPLOYEES OF FEDERAL HOME LOAN BANKS

Legal Authority: 5 USC 553

CFR Citation: 12 CFR 522.72

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its regulations governing the indemnification of directors, officers, and employees of the Federal Home Loan Banks ("FHL Banks"). This amendment would clarify that expenses incurred by FHL Bank directors, officers, and employees in connection with litigation are to be reimbursed as they are incurred, but that, by majority vote of its board of directors, a FHL Bank could require repayment of expenses that it finds to have been beyond the scope of the Bank Board's indemnification regulation. The proposal applies only to directors, officers, and employees of the FHL Banks, none of which falls within the definition of a "small financial institution" given by the Small Business Administration.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The potential costs and benefits of the proposal on the industry have not been quantified.

The only portions of this proposal which reached the final rule stage were procedural clarifications and modifications.

Timetable:

Action	Date	FR Cite
NPRM	04/16/87	52 FR 12425
NPRM Comment Period End	06/15/87	52 FR 12425
Final Action	12/29/88	53 FR 52653
Final Action Effective	12/29/88	53 FR 52653

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Joan Van Berg, Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552, 202 906-7023

RIN: 3068–AA30

3751. ASSESSMENT AND ADJUSTMENT OF ADDITIONAL PREMIUMS

Significance: Agency Priority

Legal Authority: 12 USC 1727

CFR Citation: 12 CFR 563.15; 12 CFR 563.16

Legal Deadline: None

Abstract: The Bank Board is proposing to amend its Insurance Regulations by adding a new regulation regarding the assessment of additional insurance premiums against institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC").The proposal would implement by regulation the FSLIC's authority to assess additional insurance premiums and would provide for an adjustment of such premiums based on insured institutions' capital levels. In the Board's view, it is important to base the amount of additional insurance premiums assessed on the amount of capital held by an insured institution because capital provides the most effective buffer against loss and risk to the FSLIC fund.The primary purpose of the proposal is to offer insured institutions an incentive to raise capital.

There are no alternatives that would be less burdensome than the proposal in addressing the concerns expressed above.

The time period for Board action elapsed on December 6, 1988.

Timetable:

Action	Date	FR Cite
NPRM	04/21/88	53 FR 13131
NPRM Comment Period End	06/06/88	53 FR 13131
Period of Consideration Elapsed	12/06/88	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Richard Schwartz, Staff Attorney, Regulations and Legislation Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6897

RIN: 3068–AA60

3752. PREAPPROVED SECURITIES BROKERAGE SERVICE CORPORATION ACTIVITIES

Significance: Agency Priority

Legal Authority: 12 USC 1464; 12 USC 1425a; 12 USC 1725 to 1726; 12 USC 1730

CFR Citation: 12 CFR 545.74

Legal Deadline: None

Abstract: The Board is proposing to adopt amendments to 12 CFR 545.74, its service corporation regulations, by inserting a new paragraph 545.74(c)(4) "security brokerage activities" and renumbering subsequent paragraphs. The purpose to the proposed amendments is to enable service corporations to commence certain types of securities brokerage activities, without preparing an application and obtaining individual Board approval. The amendments designate certain types of securities brokerage activities as preapproved service corporation activities.

Other alternatives, such as the present rules, may tend to prolong the waiting period for permission to engage in brokerage activities. More liberal provisions may raise questions of statutory authority.

The potential costs and benefits of the proposed regulation on the industry have not been quantified.

The time period for Board consideration of the proposal elapsed on December 6, 1988. It is expected that the proposal will be formally withdrawn and reproposed at a later date.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16148
NPRM Comment Period End	06/06/88	53 FR 16148

Action	Date	FR Cite
Period of Consideration Elapsed	12/06/88	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Dean V. Shahinian, Deputy Director for Corporate Activities, Corporate and Securities Division, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-7289

RIN: 3068–AA61

3753. ● PURCHASE AND SALE OF FREDDIE MAC PREFERRED STOCK BY CERTAIN INSURED INSTITUTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1421 et seq.; 12 USC 1425a; 12 USC 1425b; 12 USC 1437; 12 USC 1462; 12 USC 1464; 12 USC 1724 to 1730; 12 USC 1730a; 12 USC 3806

CFR Citation: 12 CFR 563.13-3

Legal Deadline: None

Abstract:

The Bank Board is adopting a final rule relating to the purchase and sale of Freddie Mac stock by insured institutions that fail to meet either their minimum or fully phased-in regulatory capital requirements. Any insured institution which fails to meet its minimum regulatory capital requirement must obtain prior approval from its Principal Supervisory Agent ("PSA") or his designee, subject to clearance by the Office of Regulatory Activities, in order to purchase or sell Freddie Mac preferred stock.

The rule also requires that any insured institution not meeting its fully phased-in capital requirement must obtain prior approval from its PSA in order to take certain actions based upon any purchase or sale of Freddie Mac stock that could adversely impact its ability to meet its fully phased-in capital requirement.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/89	54 FR 393
Final Action	01/06/89	54 FR 393

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Deborah Dakin, Regulatory Counsel, Regulations and, Legislation Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6445

RIN: 3068–AA70

3754. ● CHARTER AND BYLAW AMENDMENTS; DELEGATIONS OF AUTHORITY

Significance: Agency Priority

Legal Authority: 12 USC 1464; 12 USC 1725; 12 USC 1726; 12 USC 1730; 12 USC 1425a; 12 USC 1425b; 12 USC 1462; 12 USC 1724; 12 USC 1728; 12 USC 1729; 12 USC 1730a

CFR Citation: 12 CFR 544.2; 12 CFR 544.5; 12 CFR 552.4; 12 CFR 552.5

Legal Deadline: None

Abstract:

The Bank Board is amending its regulations concerning delegations of authority to grant or deny preliminary approval of charter amendments and to approve or deny bylaw amendments in order to delegate such authority to the Principal Supervisory Agent ("PSA"). The PSA is given the authority to grant or deny preliminary approval of charter amendments for mutual and stock associations, and to approve or deny bylaw amendments for such associations, provided that they do not include anti-takeover provisions and do not raise a significant issue of law or policy.

Any charter or bylaw amendments not eligible to be processed under this delegation of authority may be acted upon by the Office of General Counsel.

The Bank Board has also amended its related provisions concerning filing requirements and procedures.

Timetable:

Action	Date	FR Cite
Final Action	01/30/89	54 FR 4257
Final Action Effective	01/30/89	54 FR 4257

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kevin L. Petrasic, Staff Attorney, Corporate and, Securities Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6542

RIN: 3068–AA78

3755. ● ELECTION OF DIRECTORS OF THE FEDERAL HOME LOAN BANKS

Significance: Agency Priority

Legal Authority: 12 USC 1426b; 12 USC 1426 to 1427; 12 USC 1437; 12 USC 1464; 12 USC 1725 to 1726; 12 USC 1730; 18 USC 207; 42 USC 8101 et seq.

CFR Citation: 12 CFR 522.26a

Legal Deadline: None

Abstract: The Bank Board has adopted a temporary rule for the purpose of implementing special procedures for the election of directors to the boards of Federal Home Loan Banks ("Banks") during 1988. The rule states that candidates for Bank directorships may not be currently serving as directors or officers of member institutions failing to meet their minimum regulatory capital requirements. The rule became effective on October 25, 1988 and expired on December 31, 1988.

Timetable:

Action	Date	FR Cite
Temporary Rule	11/03/88	53 FR 44394

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: William Carey, Director, Bank Liason Division, Office of District Banks, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, 202 906-6656

RIN: 3068–AA81

3756. ● NONPROCUREMENT DEBARMENT AND SUSPENSION

Significance: Agency Priority

Legal Authority: 12 USC 1437(a)

CFR Citation: 12 CFR 516.100 et seq.

Legal Deadline: None

Abstract: The Bank Board is adopting a common rule that establishes among federal agencies a uniform system of procurement debarment and suspension in order to prevent waste, fraud and abuse in Federal nonprocurement transactions.

FHLBB

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action	01/31/89	54 FR 4722
Final Action Effective	03/01/89	54 FR 4722

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Caroline Morris, Attorney, Legal Counsel Division, O.G.C., Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-6431**

RIN: 3068–AA84

3757. ● ASSIGNMENT OR PLEDGE OF ASSETS HELD BY THE FSLIC IN ITS CORPORATE CAPACITY

Significance: Agency Priority

Legal Authority: 12 USC 1725; 12 USC 1729

CFR Citation: 12 CFR 578.1

Legal Deadline: None

Abstract: The Bank Board is adopting an interpretive rule, which asserts the FSLIC's right to assign or pledge assets it holds in its corporate capacity. The regulation also provides an explanation of the manner in which assignments or pledges of FSLIC assets may be perfected.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/06/89	54 FR 6108
Final Action	02/07/89	54 FR 6108

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence W. Hayes, Deputy General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-6428**

RIN: 3068–AA87

3758. ● RECOGNITION BY RECEIVERS OF THE FSLIC'S CLAIM AS SUBROGEE OF INSURED DEPOSITORS AND ASSIGNMENTS OR PLEDGES OF SUCH CLAIMS

Significance: Agency Priority

Legal Authority: 12 USC 1464; 12 USC 1725; 12 USC 1729

CFR Citation: 12 CFR 569c.7-1

Legal Deadline: None

Abstract: The Bank Board is adopting a regulation concerning the FSLIC as receiver for federal and state institutions. It provides for recognition on the books of the receiver of claims to which the FSLIC, in its corporate capacity has been subrogated by payment of insurance and for recognition of transfers of such subrogated claims.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/06/89	54 FR 6109
Final Action	02/07/89	54 FR 6109

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence W. Hayes, Deputy General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-6428**

RIN: 3068–AA88

3759. ● COLLATERAL FOR BANK ADVANCES

Significance: Agency Priority

Legal Authority: 12 USC 1430; 12 USC 1437

CFR Citation: 12 CFR 525.7

Legal Deadline: None

Abstract: The Bank Board is amending its regulations regarding Federal Home Loan Bank Advances to specify that eligible collateral for Bank advances includes FSLIC claims against receiverships, which the FSLIC acquired by subrogation or otherwise and assignments or pledges of such claims.

Timetable:

Action	Date	FR Cite
Final Action Effective	02/06/89	54 FR 6112
Final Action	02/07/89	54 FR 6112

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Lawrence W. Hayes, Deputy General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552, **202 906-6428**

RIN: 3068–AA89

3760. ● TRUST POWERS OF FEDERAL ASSOCIATIONS

Significance: Agency Priority

Legal Authority: 12 USC 1464(n); 12 USC 1725 to 1726; 12 USC 1730

CFR Citation: 12 CFR 550.2; 12 CFR 550.14

Legal Deadline: None

Abstract: The Bank Board is amending its regulations concerning trust powers of Federal associations by delegating additional authority to the Principal Supervisory Agent ("PSA"), authorizing him to approve or disapprove any trust powers application which does not present any unusual policy determinations. The PSA would also be authorized to issue certification to associations surrendering approved trust powers.

Timetable:

Action	Date	FR Cite
Final Action	02/21/89	54 FR 7395
Final Action Effective	02/21/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Robyn Dennis, Financial Analyst, Office of Regulatory Affairs, Federal Home Loan Bank Board, 801 17th Street, N.W., Washington, D.C. 20006, **202 331-4572**

RIN: 3068–AA91

[FR Doc. 89-5861 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part LII

Federal Maritime Commission

Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration during the period from April 1, 1989 to March 30, 1990 actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary, 1100 L Street, NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section.

The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

Joseph C. Polking,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3761	Costs of Proceedings	3072-AA45
3762	Automated Tariff Filing	3072-AA61
3763	Index of Documents for Agreements	3072-AA64
3764	User Fees to Recover Agency Costs	3072-AA70
3765	Independent Action - Miscellaneous Provisions	3072-AA83
3766	Rates Quoted Subject to Booking	3072-AA86
3767	Financial Reports of Vessel Operating Common Carriers by Water in the Domestic Offshore Trades	3072-AA93
3768	Cancellation of Tariffs for Failure to Either File Anti-Rebate Certifications or Publish Appropriate Notices in Tariffs	3072-AB09

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3769	Practices of Ocean Common Carriers Regarding Effective Date of Rate Changes - Docket No. 88-19	3072-AB04
3770	Regulations to Adjust or Meet Conditions Unfavorable to Shipping in the Foreign Trade of the United States - Docket No. 88-24	3072-AB13
3771	Equipment Interchange Agreements - Tariff Publication of Free Time and Detention Charges - Docket No. 89-4	3072-AB14
3772	Definitions of "Conference Agreement" and "Joint Service/ Consortium Agreement" - Docket No. 88-26	3072-AB15
3773	Tariff Filing Exemption for Port-to-Port Service in Hawaii - Docket No. 89-3	3072-AB16
3774	Rules Implementing Report in Fact Finding 17 - Rates and Charges Provided at Marine Terminal Facilities	3072-AB17
3775	Rules Implementing Report in Fact Finding 15 -- Practices of Entities Acting as Intermediaries in Ocean Transportation of Goods in U.S. Commerce	3072-AB18

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3776	Service Contract Provisions; Most Favored Shippers and Liquidated Damages Clauses	3072-AA95
3777	Foreign-to-Foreign Agreements; Exemption	3072-AB03
3778	Service Contract Regulation Amendment to Permit Correction of Clerical or Administrative Errors in Essential Terms--Docket No. 88-16	3072-AB08

FMC

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
3779	Interpretive Rule that Carriers or Conferences May Not Require Production of Justice Department Business Review Letter as Part of Service Contract Negotiation Process with Shippers Association	3072-AB10

FEDERAL MARITIME COMMISSION (FMC) — Prerule Stage

3761. COSTS OF PROCEEDINGS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Legal Deadline: Other, Statutory, September 20, 1989.

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite
End Review	06/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA45

3762. AUTOMATED TARIFF FILING

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce paperwork and other burdens. An Industry Advisory Committee is assisting the Commission in the project.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
Notice of Intent to form Advisory Committee	04/12/85	50 FR 14453
Notice of Second Meeting	05/19/86	51 FR 18376
Notice of Third Meeting	10/21/86	51 FR 37347
Notice of Inquiry on System Functionality	12/22/87	52 FR 48504
Further Notice	06/13/88	53 FR 22048
Second Report on System Functionality	12/29/88	53 FR 52785
End Review	01/00/89	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA61

3763. INDEX OF DOCUMENTS FOR AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Legal Deadline: None

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. This requirement is being considered along with requirements to file minutes and other reports and with record retention provisions.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA64

3764. USER FEES TO RECOVER AGENCY COSTS

Significance: Agency Priority

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Legal Deadline: None

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime

FMC **Prerule Stage**

Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA70

3765. INDEPENDENT ACTION - MISCELLANEOUS PROVISIONS

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717; 46 USC app 1718

CFR Citation: 46 CFR 572; 46 CFR 580

Legal Deadline: None

Abstract: Review would attempt to analyze certain conference practices to ensure that they do not unduly inhibit the right of individual members to take independent action as provided by the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/10/86	
End Review	06/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA83

3766. RATES QUOTED SUBJECT TO BOOKING

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814 to 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841a; 46 USC app 843 to 847; 46 USC app 1702 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 550; 46 CFR 580

Legal Deadline: None

Abstract: Review would determine the necessity of regulations governing the parties of quoting rates subject to booking. Related to FMC Spec. Dkt. 1343.

Timetable:

Action	Date	FR Cite
Begin Review	02/14/86	
End Review	05/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA86

3767. FINANCIAL REPORTS OF VESSEL OPERATING COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841a; 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 522

Legal Deadline: None

Abstract: Current rule providing for domestic rate-making and justification methodology is being reviewed to determine if requirements can be made less stringent.

Timetable:

Action	Date	FR Cite
Begin Review	01/09/86	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA93

3768. CANCELLATION OF TARIFFS FOR FAILURE TO EITHER FILE ANTI-REBATE CERTIFICATIONS OR PUBLISH APPROPRIATE NOTICES IN TARIFFS

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707; 46 USC app 1709; 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 580; 46 CFR 582

Legal Deadline: None

Abstract: Rule would minimize noncompliance with the requirements to file Anti-Rebate Certifications (46 CFR 582) and to publish anti-rebate provisions in tariffs (46 CFR 580.5(c)(2)).

Timetable:

Action	Date	FR Cite
Begin Review	12/27/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB09

FEDERAL MARITIME COMMISSION (FMC) Final Rule Stage

3769. PRACTICES OF OCEAN COMMON CARRIERS REGARDING EFFECTIVE DATE OF RATE CHANGES - DOCKET NO. 88-19

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1707

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: Requested rule would state that tariff rates and rules may not be applicable to cargo that is received by the carrier or its agent prior to the effective date of the tariff provision.

Timetable:

Action	Date	FR Cite
Petition for Rulemaking	12/30/87	52 FR 49205
End Review	06/01/88	
NPRM	08/30/88	53 FR 33153
Extend time for comments to 11/01/88	10/04/88	53 FR 38969
NPRM Comment Period End	10/14/88	
Final Action	04/02/89	

Small Entities Affected: Undetermined

FMC

Final Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB04

3770. ● REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES - DOCKET NO. 88-24

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 876 (1)(b); 46 USC app 1712(b)(5); 46 USC app 1714; 46 USC app 1716; 46 USC app 10002; Reorg. Plan No. 7 of 1961 (75 Stat 840)

CFR Citation: 46 CFR 585; 46 CFR 587; 46 CFR 588 (New)

Legal Deadline: None

Abstract: The action will implement the Foreign Shipping Practices Act of 1988, 46 USC App 10002.

Timetable:

Action	Date	FR Cite
NPRM	11/01/88	53 FR 44039
NPRM Comment Period End	01/15/89	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5740

RIN: 3072–AB13

3771. ● EQUIPMENT INTERCHANGE AGREEMENTS - TARIFF PUBLICATION OF FREE TIME AND DETENTION CHARGES - DOCKET NO. 89-4

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 812; 46 USC app 814; 46 USC app 815; 46 USC app 817(a); 46 USC app 820; 46 USC app 833a; 46 USC app 841; 46 USC app 843; 46 USC app 845a; 46 USC app 847; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716; ...

CFR Citation: 46 CFR 550; 46 CFR 580; 46 CFR 581

Legal Deadline: None

Abstract: Action would provide guidelines for filing equipment interchange agreement tariffs and similar provisions in service contracts. This will simplify the filing of equipment interchange agreements.

Timetable:

Action	Date	FR Cite
NPRM	02/03/89	54 FR 5506
NPRM Comment Period End	03/20/89	54 FR 5507
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Legal Authority Cont: 46 USC app 1718

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072–AB14

3772. ● DEFINITIONS OF "CONFERENCE AGREEMENT" AND "JOINT SERVICE/ CONSORTIUM AGREEMENT" - DOCKET NO. 88-26

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: Action would amend the definitions of "conference agreement" and "joint service/consortium agreement" in rules governing the filing of agreements.

Timetable:

Action	Date	FR Cite
NPRM	12/06/88	53 FR 42910
Final Action	05/00/89	
NPRM Comment Period End	12/06/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Austin L. Schmitt, Director, Bureau of Trade Monitoring, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5787

RIN: 3072–AB15

3773. ● TARIFF FILING EXEMPTION FOR PORT-TO-PORT SERVICE IN HAWAII - DOCKET NO. 89-3

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 817; 46 USC app 833a; 46 USC app 841a; 46 USC app 844

CFR Citation: 46 CFR 550

Legal Deadline: None

Abstract: Action would permit carriers in the port-to-port service in the Hawaiian domestic offshore trade to publish on one day's notice reductions in existing commodity rates, and rates on new tariff items.

Timetable:

Action	Date	FR Cite
NPRM	02/02/89	54 FR 5253
NPRM Comment Period End	03/06/89	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5740

RIN: 3072–AB16

3774. ● RULES IMPLEMENTING REPORT IN FACT FINDING 17 - RATES AND CHARGES PROVIDED AT MARINE TERMINAL FACILITIES

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 814; 46 USC app 816; 46 USC app 817(a); 46 USC app 820; 46 USC app 821; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1707; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 515; 46 CFR 560; 46 CFR 572

Legal Deadline: None

Abstract: Action would address issues of tariff and agreement filing requirements for marine terminal and stevedoring services.

Timetable:

Action	Date	FR Cite
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

FMC — Final Rule Stage

Agency Contact: Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072–AB17

3775. ● RULES IMPLEMENTING REPORT IN FACT FINDING 15 -- PRACTICES OF ENTITIES ACTING AS INTERMEDIARIES IN OCEAN TRANSPORTATION OF GOODS IN U.S. COMMERCE

Significance: Agency Priority

Legal Authority: 5 USC 553

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Action would address issues regarding the definition of "shipper" and untariffed NVOCC's.

Timetable:

Action	Date	FR Cite
Final Action	01/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB18

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

3776. SERVICE CONTRACT PROVISIONS; MOST FAVORED SHIPPERS AND LIQUIDATED DAMAGES CLAUSES

Legal Authority: 5 USC 553; 46 USC app 1707(c)

CFR Citation: 46 CFR 580

Legal Deadline: None

Abstract: The Commission is reviewing the service contract regulations to determine the legality of permitting clauses involving liquidated damages or most favored shippers. Docket No. 88-7

Timetable:

Action	Date	FR Cite
Petition for rulemaking	01/22/87	52 FR 2443
Begin Review	01/22/87	52 FR 2443
Extend time for comments	02/11/87	52 FR 4384
NPRM	03/17/88	53 FR 8775
NPRM Comment Period End	05/02/88	53 FR 8775
Final Action	11/07/88	53 FR 44879
Final Action Effective	12/07/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AA95

3777. FOREIGN-TO-FOREIGN AGREEMENTS; EXEMPTION

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1701 to 1707; 46 USC app 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Legal Deadline: None

Abstract: The action would exempt certain foreign-to-foreign agreements on contiguous trades from notice, waiting period, and information requirements of the Shipping Act of 1984. Docket No. 87-24.

Timetable:

Action	Date	FR Cite
NPRM	12/08/87	52 FR 46501
NPRM Comment Period End	02/08/88	52 FR 46501
Withdrawn Petition for Reconsideration Due 03/01/89	12/14/88	53 FR 50264

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB03

3778. SERVICE CONTRACT REGULATION AMENDMENT TO PERMIT CORRECTION OF CLERICAL OR ADMINISTRATIVE ERRORS IN ESSENTIAL TERMS--DOCKET NO. 88-16

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1702, 1706, 1707, 1709, 1712, 1714, 1715, 1716, 1718

CFR Citation: 46 CFR 581.7(a)

Legal Deadline: None

Abstract: Rule would amend Service Contract regulation to permit correction of clerical or administrative errors in essential terms.

Timetable:

Action	Date	FR Cite
NPRM	06/24/88	53 FR 23776
NPRM Comment Period End	08/24/88	53 FR 26091
Final Action	01/13/89	54 FR 1363
Final Action Effective	01/30/89	54 FR 1363

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB08

3779. INTERPRETIVE RULE THAT CARRIERS OR CONFERENCES MAY NOT REQUIRE PRODUCTION OF JUSTICE DEPARTMENT BUSINESS REVIEW LETTER AS PART OF SERVICE CONTRACT NEGOTIATION PROCESS WITH SHIPPERS ASSOCIATION

Significance: Agency Priority

Legal Authority: 5 USC 553; 46 USC app 1706, 1707, 1709 and 1716

CFR Citation: 46 CFR 571, (New)

Legal Deadline: None

Abstract: Docket No. 88-17. Rule is intended to help eliminate unnecessary impediments to the operation of shippers associations and the negotiation of service contracts.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27178
NPRM Comment Period End	08/18/88	53 FR 27178
Final Action	10/26/88	53 FR 43696
Final Action Effective	10/28/88	53 FR 43696

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072–AB10

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Part LIII

Federal Reserve System

Semiannual Regulatory Agenda

FEDERAL RESERVE SYSTEM (FRS)

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this Agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from April 1 through October 1, 1989. The next Semiannual Agenda will be published in October 1989.

DATE: Comments about the form or content of the Agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, DC 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its April 1989 Agenda as part of the April 1989 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's Agenda is divided into three sections. The first, Proposed Rule Stage, reports on matters the Board may consider for public comment during the next six months. The second section, Final Rule Stage, reports on matters that have been proposed and are under Board consideration. A third section, Completed Actions, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous Agenda, and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3780	Regulation: B - Equal Credit Opportunity	7100-AA97
3781	Regulation: E - Electronic Fund Transfers	7100-AA77
3782	Regulation: G - Securities Credit by Persons Other Than Banks, Brokers, or Dealers; and Regulation: U - Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks	7100-AA99
3783	Regulation: K - International Banking Operations	7100-AA67
3784	Regulation: K - International Banking Operations	7100-AA92
3785	Regulation: K - International Banking Operations	7100-AA98
3786	Regulation: P - Minimum Security Devices and Procedures for Federal Reserve Banks and State Member Banks	7100-AA69
3787	Regulation: T - Credit by Brokers and Dealers	7100-AA72
3788	Regulation: T - Credit by Brokers and Dealers	7100-AA93
3789	Private Sector Presentment (Docket Number: R-0631)	7100-AA96
3790	Proposals for Long-Term Improvement to the Check Collection System (Docket Number: R-0622)	7100-AA94

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3791	Regulation: D - Reserve Requirements of Depository Institutions (Docket Number: R-0571)	7100-AA62
3792	Regulation: K - International Banking Operations (Docket Number: R-0550)	7100-AA58
3793	Regulation: Q - Interest on Deposits (Docket Number: R-0514)	7100-AA56
3794	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
3795	Regulation: Y - Bank Holding Companies and Change in Bank Control and Regulation H - Membership of State Banking Institutions (Docket Number: R-0616)	7100-AA88
3796	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0614)	7100-AA89
3797	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number R-0652)	7100-AA41
3798	Regulation: Z - Truth in Lending (Docket Number: R-0655)	7100-AA91
3799	Regulation: Z - Truth in Lending (Docket Number R-0654)	7100-AB00
3800	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0639)	7100-AA95
3801	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0648)	7100-AB01
3802	Regulation: CC - Availability of Funds and Collection of Checks (Docket Number: R-0649)	7100-AB02
3803	Further Proposals to Reduce Risks on Large-Dollar Wire Transfer Systems (Docket Number: R-0592)	7100-AA76

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Completed Actions

Sequence Number	Title	Regulation Identifier Number
3804	Regulation: H - Membership of State Banking Institutions in the Federal Reserve System (Docket Number: R-0636)	7100-AA86
3805	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0637)	7100-AA87

FEDERAL RESERVE SYSTEM (FRS)

Proposed Rule Stage

3780. ● REGULATION: B - EQUAL CREDIT OPPORTUNITY

Legal Authority: 15 USC 1691 et seq as amended Equal Credit Opportunity Act

CFR Citation: 12 CFR 202

Legal Deadline: None

Abstract: During the next four months the Board will propose for public comment revisions to Regulation B to implement amendments to the Equal Credit Opportunity Act that were part of H.R. 5050, enacted on October 25, 1988. The statutory amendments deal with the notice and record retention requirements applicable in business credit transactions. Once the revised regulation takes effect, covered lenders will be required to give notice of a business applicant's right to a written statement of reasons for a credit denial and will have to maintain records on credit applications for a minimum of one year.

Because the new requirements apply to all depository institutions, there will be some economic impact on a substantial number of small financial institutions.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation B during the next four months	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA97

3781. REGULATION: E - ELECTRONIC FUND TRANSFERS

Legal Authority: 15 USC 1693 et seq Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Legal Deadline: None

Abstract: During the next six months, the Board will conduct a review of Regulation E, which implements the Electronic Fund Transfer Act, and establishes the basic rights, liabilities, and responsibilities of consumers who use electronic fund transfer services and of financial institutions that offer these services (whether or not these institutions hold the consumer's account). The review will consider whether any provisions of the regulation are in need of updating and whether any substantive changes are necessary because of technological and other developments. The Board will also consider whether to make any legislative recommendations for statutory changes.

Public comment will be requested on any regulatory proposals that may be developed following the review. It is not anticipated that the revisions would have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation E during the next six months	08/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dolores S. Smith, Assistant Director, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100–AA77

3782. ● REGULATION: G - SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS; AND REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 221; 12 CFR 207

Legal Deadline: None

Abstract: During the next three months the Board may address the ability of lenders subject to Regulations G and U to transfer a credit between these two types of lenders without treating the transaction as creating a new extension of credit. The regulations currently permit a transfer only between lenders subject to the same regulation. Several law firms have expressed an interest in such a deregulatory amendment.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may address transfer provisions in Regulations G and U	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal

Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA99

3783. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 601 et seq

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: The Board will consider an amendment to its regulation governing the establishment of foreign operating subsidiaries by member banks. The amendment would eliminate the requirement in section 211.3(b)(9) of Regulation K that a member bank's operating subsidiary be established only where required by local law or regulation. The revision is intended to promote the efficiency of member banks' foreign operations. Because the revision would remove a restriction, it is not anticipated that comment will be requested.

The proposal would not have a significant economic impact on a substantial number of small businesses because it affects only U.S. banks operating abroad.

Timetable:

Action	Date	FR Cite
Final Action by	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA67

3784. REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 1843 (c)(13); 12 USC 601 to 604a; 12 USC 611 to 631

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: The Board will consider whether to publish for public comment a proposed amendment to Regulation K to permit U.S. banking organizations to engage in a broader range of activities abroad. Specifically, the Board will consider whether U.S. banking organizations should be permitted to underwrite, distribute, and deal in equity securities outside the United States in excess of the current restriction in Regulation K, which prohibits a subsidiary of a U.S. banking organization from making an underwriting commitment for shares of an issuer in excess of: (i) $2 million, or (ii) 20 percent of the capital and surplus of the issuer's voting shares, unless covered by binding commitments from subunderwriters or other purchasers.

In addition, the Board will consider whether the purchases of shares of companies held in trading accounts should continue to be subject to the investment procedures set out in Regulation K at 12 CFR 211.5(c).

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies to U.S. banking organizations involved (cont)

Timetable:

Action	Date	FR Cite
Board may consider an amendment to Regulation K	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: in international securities activities.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA92

3785. ● REGULATION: K - INTERNATIONAL BANKING OPERATIONS

Legal Authority: 12 USC 221 et seq; 12 USC 1841 et seq; 12 USC 3101 et seq

CFR Citation: 12 CFR 211

Legal Deadline: Other, Statutory, December 1989.
Section 3(b) of the International Banking Act of 1978 requires that Board review and revise Subpart A of Regulation K every five years, beginning in 1979.

Abstract: In 1989, the Board will conduct a zero-based review of Subpart A of Regulation K (International Operations of United States Banking Organizations), as required every five years by the International Banking Act. This review will include consideration of the powers of Edge corporations and additional overseas activities of U.S. banking organizations. In addition, Subpart B (Foreign Banking Organizations) will be reviewed, particularly with respect to the effect of the revisions of the Standard Industrial Classification (SIC) codes on that Subpart. Subpart C (Export Trading Companies) will be reviewed with a view toward bringing that Subpart into conformity with the Export Trading Company Act Amendments of 1988.

Separate, but related to this review of Regulation K, is the consideration of the liberalization of overseas securities activities (RIN: 7100-AA92).

It is not expected that any revisions would have an adverse impact on a substantial number of small banking organizations.

Timetable:

Action	Date	FR Cite
Board will conduct review by	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA98

3786. REGULATION: P - MINIMUM SECURITY DEVICES AND PROCEDURES FOR FEDERAL RESERVE BANKS AND STATE MEMBER BANKS

Legal Authority: 12 USC 1881 to 1884

CFR Citation: 12 CFR 216

Legal Deadline: None

Abstract: During the next two months, the Board will conduct a zero-based review of Regulation P, which implements the Bank Protection Act of 1968, and establishes minimum security standards for Federal Reserve Banks and for State member banks. The review will consider whether any provisions of the regulation are outdated and whether any substantive changes are necessary because of new technological developments. The regulation will also be reorganized and revised for simplicity and clarity. Public comment will be requested following

the zero-based review. It is not anticipated that the revised regulation will have a significant economic impact on a substantial number of small banks.

Timetable:

Action	Date	FR Cite
Board will consider revisions to Regulation P	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Thomas A. Durkin, Regulatory Planning and Review Director, Federal Reserve System, Office of the Secretary, 202 452-2326

RIN: 7100–AA69

3787. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: During the next three months the Board may consider proposing amendments to Regulation T to accommodate settlement and clearance of foreign securities in accounts covered by Regulation T. A request has been made that extensive amendments be proposed because of the growing internationalization of the securities markets.

It is not anticipated that any proposals in this area would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation T	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA72

3788. REGULATION: T - CREDIT BY BROKERS AND DEALERS

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Legal Deadline: None

Abstract: Several national securities exchanges have proposed trading new stock-index-related products, often called "index participations." Because these products may not fit the existing categories of securities in Regulation T, it is expected that the Board will address the marginability of these products at broker-dealers.

It is not anticipated that this proposal will affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may address marginability of new exchange-traded products under Regulation T	05/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100–AA93

3789. PRIVATE SECTOR PRESENTMENT (DOCKET NUMBER: R-0631)

Legal Authority: 12 USC 4008(c)

CFR Citation: None

Legal Deadline: None

Abstract: In April 1988, the Board requested comment on whether it should require paying banks to pay for checks presented by private sector collecting banks before 2:00 p.m. in same-day funds and without imposing presentment fees (53 FR 11911, April 11, 1988). The purpose of such a regulation would be to speed the forward collection of checks by requiring paying banks to accept checks without charging a fee later in the day, thus increasing the number of checks that can be collected that day. It would give private sector collecting banks the same rights vis-a-vis paying banks as the Federal Reserve Banks now have.

The Board has not yet made a specific proposal to amend its regulation in this regard. Rather, it is merely requesting comment on the idea of same-day payment in private sector presentments. If such a regulation were to be adopted, small entities that might be affected include small banks and State and local governments.

The Board will review the public comments and determine whether to propose specific regulations.

Timetable:

Action	Date	FR Cite
Board requests comment	04/11/88	53 FR 11911
Board extends comment period to December 1, 1988	07/21/88	53 FR 27565
Board will review further	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-3874

RIN: 7100–AA96

3790. PROPOSALS FOR LONG-TERM IMPROVEMENT TO THE CHECK COLLECTION SYSTEM (DOCKET NUMBER: R-0622)

Legal Authority: 12 USC 4001 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In December 1987, the Board published for comment several proposals that have the potential to improve the check collection system (52 FR 47112, December 11, 1987). They are, however, long-term proposals that are not likely to be implemented in the immediate future. They include bar-code endorsements, digitized image processing of checks, electronic clearing zones, and an electronic clearing house.

If these were to be introduced, they would likely have a significant economic impact on a substantial number of small banks and small

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entities including State and local governments that use their services.

The Board will review the public comments and may take further action within the next twelve months.

Timetable:

Action	Date	FR Cite
Board issued proposals for comment	12/11/87	52 FR 47112
Board may take further action	04/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Local, State

Agency Contact: Gale Thompson, Program Leader, Federal Reserve System, Div. of Federal Reserve Bank Operations, 202 452-2934

RIN: 7100–AA94

FEDERAL RESERVE SYSTEM (FRS) — Final Rule Stage

3791. REGULATION: D - RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS (DOCKET NUMBER: R-0571)

Legal Authority: 12 USC 248(k); 12 USC 461(a)

CFR Citation: 12 CFR 204

Legal Deadline: None

Abstract: In May 1986, the Board issued for comment rules to clarify the definition of "deposit" in Regulation D to include the interest or liability associated with a borrowing in the form of certain sales of assets and related transactions by a depository institution (51 FR 16855, May 7, 1986). These transactions include a sale of assets that involves a full guarantee by the institution that, in effect, substitutes the institution's credit standing for that of the ultimate borrower and in which the institution retains the risk of borrower default after the asset is sold.

Further, the regulation currently treats obligations of an affiliate as deposits of the depository institution to the extent the proceeds are provided to the depository institution. The Board proposes to exclude proceeds received from a sale of assets without recourse to the affiliate. The proposal also would clarify the application of Regulation D to certain of these transactions involving organizations effectively controlled by the depository institution even though not formally affiliated. Finally, the proposal would (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation D	05/07/86	51 FR 16855
Comment period extended	07/10/86	51 FR 25069
Further Board action by	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: clarify how the Board measures the "maturity" of an obligation for the purposes of Regulation D. The proposal requests comment on any alternatives that the public believes may be preferable to the Board's proposed amendments. Suggested alternatives will be considered when comments are analyzed.

The proposed rule would apply to all depository institutions. It is not anticipated that the proposal will have a negative impact on the ability of small depository institutions to attract deposits.

The Board will review the comments and take further action in the near future.

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3778

RIN: 7100–AA62

3792. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0550)

Legal Authority: 12 USC 611 et seq

CFR Citation: 12 CFR 211

Legal Deadline: None

Abstract: In August 1985, the Board published for comment proposed regulations that would restrict lending by an Edge Corporation to its affiliates where the Edge Corporation is not subject to the restrictions of Section 23A of the Federal Reserve Act (12 USC 371c) because it is not owned by a U.S. insured bank (50 FR 35238, August 30, 1985). In taking this action, the Board noted the increasing number of owners of Edge Corporations that are not subject to Federal banking supervision and the potential adverse effects that might result from such affiliations, such as the impairment of the Edge's ability to act as an impartial arbiter of credit. The Board requested comment on the effect of the proposal on existing Edge Corporations, especially those owned by foreign banks and whether any exemptions from the restrictions are appropriate.

It is not expected that the proposal would have a significant economic impact on a substantial number of small businesses, because it applies only to organizations involved in international banking. (cont)

Timetable:

Action	Date	FR Cite
Board proposed revisions to Regulation K	08/30/85	50 FR 35238
Further Board action by	12/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The Board is continuing to evaluate whether this proposal should be adopted and will consider it in a zero-based review of Regulation K expected during the next eight months.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100–AA58

3793. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Legal Deadline: None

Abstract: In January 1986, the Board issued for comment proposals to clarify, update, and simplify the advertising provisions of Regulation Q (51 FR 1379, January 13, 1986). The revisions incorporate and supersede the proposals of March 1984 concerning advertising of split-rate deposits and IRA/Keogh (HR 10) Plan accounts. The proposal is not expected to have a significant adverse effect on small banks.

The Board will review the comments and is expected to take further action within the next six months.

It is also anticipated that the Board will consider at that time various options with regard to providing written disclosures to consumers about their accounts.

Timetable:

Action	Date	FR Cite
Board proposed revisions	01/13/86	51 FR 1379
Further Board action by	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick J. McDivitt, Attorney, Federal Reserve System, Legal Division, 202 452-3818

RIN: 7100–AA56

3794. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In December 1986, the Board requested public comment on a proposal to permit bank holding companies to engage in real estate investment activities within certain limits (52 FR 543, January 7, 1987). The proposed limits are designed to ensure that conduct of the activity does not result in unsafe or unsound practices, unfair competition, conflicts of interest or other adverse effects.

The Board requested public comment on a number of specific items, including whether real estate investment activities may be deemed to be closely related to banking and a proper incident thereto for purposes of Section 4(c)(8) of the Bank Holding Company Act; whether the proposed limits on the size, scope, and manner in which the activity would be conducted are appropriate; whether nonbank companies owned by holding company banks should be prohibited from conducting these activities; and whether the Board should establish special capital requirements for bank holding companies that control banks directly engaged in these activities.

The proposal, if adopted, would permit bank holding (CONT)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Board issues proposal for public comment	01/07/87	52 FR 543
Further Board action indefinite	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: companies to engage in limited real estate investment activities that bank holding companies are not now permitted to conduct and would not impose more burdensome requirements on bank holding companies than are currently applicable. Moreover, the proposal includes provisions designed to permit small bank holding companies to participate meaningfully in the proposed activities. The proposal does not impose any limitations on the direct real estate investment activities of holding company banks. (See Docket Number R-0616, for additional information on proposed real estate investment limitations.)

It is not expected that the Board would take action on this proposal until after resolution of pending rulemaking to rescind the Regulation Y provision permitting bank holding companies to acquire, through their subsidiary state banks, shares of companies engaged in activities that the bank is permitted to conduct under state law, so-called operations subsidiaries (R-0652).

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100–AA52

3795. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL AND REGULATION H - MEMBERSHIP OF STATE BANKING INSTITUTIONS (DOCKET NUMBER: R-0616)

Legal Authority: 12 USC 1843 (c)(8); 12 USC 371c; 12 USC 3901

CFR Citation: 12 CFR 225.13(b)(1); 12 CFR 225, Appendix; 12 CFR 208.14

Legal Deadline: None

Abstract: In November 1987, the Board requested comment on whether, in evaluating proposals submitted under section 3 of the Bank Holding Company Act, the Board should consider the impact of real estate activities of the bank to be acquired by the bank holding company on the financial condition of the bank and bank holding company, and, where appropriate, should prohibit banks and savings banks that are acquired by bank holding companies from directly engaging in real estate investment and development activities (52 FR 42301, November 4, 1987).

The Board also requested comment on whether member banks that are not in a bank holding company should be made subject to the interaffiliate lending restrictions of section 23A of the Federal Reserve Act in their dealings with real estate investment and development subsidiaries of the bank.

Finally, the Board requested comment on whether the Board should impose special capital requirements on real estate subsidiaries of banks in a bank holding company, under the Board's authority in the International Lending Supervision Act. These three proposals supplement the Board's earlier (cont)

Timetable:

Action	Date	FR Cite
Board requested public comment	11/04/87	52 FR 42301
Further Board action indefinite	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: request for comment in

December 1986 regarding whether the Board should permit bank holding companies to engage in real estate investment activities.

This proposal is not expected to have a significant economic impact on small companies because the Board believes that very few small banks are currently engaged in real estate investment and development activities, and bank holding companies are not generally permitted to engage in these activities.

It is not expected that the Board would take action on this proposal until after resolution of pending rulemaking to rescind the Regulation Y provision permitting bank holding companies to acquire, through their subsidiary state banks, shares of companies engaged in activities that the bank is permitted to conduct under state law, so-called operations subsidiaries (R-0652).

Agency Contact: Scott G. Alvarez, Assistant General Counsel, Federal Reserve System, Legal Division, 202 452-3583

RIN: 7100–AA88

3796. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0614)

Legal Authority: 12 USC 1843 (c)(8)

CFR Citation: 12 CFR 225.25 (b)(9)

Legal Deadline: None

Abstract: In September 1987, the Board requested public comment on whether the Board should authorize bank holding companies to acquire thrift institutions as a general matter under section 4(c)(8) of the Bank Holding Company Act (52 FR 36041, September 25, 1987). The Board currently permits bank holding companies to acquire thrift institutions only if the thrift is failing or has failed, and the acquisition is likely to result in revitalization of the thrift.

The Board has requested comment on whether changes in the economic and regulatory environment, in particular, the expansion of the powers of thrifts and the growth in state initiatives authorizing interstate banking, justify revisions of the Board's policy and the authorization of thrift acquisitions by bank holding companies. The Board also requested comment on what, if any, conditions the Board should impose on bank holding companies seeking to acquire thrifts.

The Board's proposal, if adopted, is not expected to impose a substantial economic burden on small bank holding companies because this action, if taken, would permit all bank (CONT)

Timetable:

Action	Date	FR Cite
Board requested public comment	09/25/87	52 FR 36041
Further Board action during next six months	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: holding companies to acquire thrift institutions, and would not impose different requirements on companies based on their size.

It is expected that the Board will consider this matter further during the next six months.

Agency Contact: Michael J. O'Rourke, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3288

RIN: 7100–AA89

3797. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER R-0652)

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: A provision of Regulation Y permits a State bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under State law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under Federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

In December 1988, the Board requested public comment regarding whether this rule, as it applies to nonbanking companies owned by state banks in a holding company system, continues to be valid and appropriate in light of enactment of the (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board requested comment	12/05/88	53 FR 48915
Further Board action by	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Garn-St Germain Act and certain recent court decisions (53 FR 48915, December 5, 1988). The Board has also scheduled an informal public hearing on this matter for April 7, 1989. The Board has not proposed revising its current rule regarding subsidiaries of national banks in a holding company. A determination to reverse the Board's state bank rule could have an adverse impact on small banks that are subsidiaries of holding companies because they might be required to restructure their nonbanking activities or to take other action. The Board is expected to take further action within the next six months.

Agency Contact: J. Virgil Mattingly, Deputy General Counsel, Legal Division, Federal Reserve System, 202 452-3430

RIN: 7100–AA41

3798. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER: R-0655)

Legal Authority: 15 USC 1604, as amended, Truth in Lending Act

CFR Citation: 12 CFR 226

Legal Deadline: Other, Statutory.

Board's rules will apply to open-end credit plans entered into five months after promulgation of final regulations.

Abstract: In January 1989, the Board published a proposal to amend Regulation Z to implement provisions of the Home Equity Loan Consumer Protection Act of 1988, which requires creditors to provide consumers with more information for open-end credit plans secured by the consumer's dwelling, and imposes substantive limitations on these plans (54 FR 3063, January 23, 1989). The law superseded the Board's December 1987 proposal to amend Regulation Z to change the disclosure requirements for home equity lines of credit secured by the consumer's principal dwelling (52 FR 48702, December 24, 1987).

Under the new law, creditors would have to provide additional information at the time an application is provided to the consumer, including information about the payments terms, fees imposed under the plans, and, for variable-rate plans, information about the index and a fifteen-year history of changes in the index values. Creditors also would be required to provide consumers with a brochure prepared by the Board (or with one (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendment	01/23/89	54 FR 3063
Further Board action by	05/00/89	

Small Entities Affected: Businesses

Government Levels Affected: State

Additional Information: ABSTRACT CONT: substantially similar) that describes home equity plans. In addition, new duties would be imposed on third parties who provide applications to consumers, and the rules relating to advertisements for home equity plans would be modified. The January 1989 proposal would also amend Regulation Z to implement new substantive limitations imposed by the law on home equity plans.

If the Board adopts the proposal, small institutions engaged in home equity lending could incur additional expenses, including costs to revise and reprint disclosure forms, to acquire and distribute the home equity brochures, and possibly to modify their contracts. They also would need to review and possibly modify their advertisements for home equity plans. Before adopting any final amendments to its rule, the Board would consider appropriate steps to minimize the burdens and costs of compliance.

The Board will review the public comments and take further action within the next three months.

Agency Contact: Sharon Bowman, Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100-AA91

3799. ● REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER R-0654)

Legal Authority: 15 USC 1604 as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Legal Deadline: Final, Statutory, April 3, 1989.
Implementary rule to be in place 150 days from enactment of the law.

Abstract: In December 1988, the Board proposed for comment revisions to Regulation Z to implement amendments to the Truth in Lending Act that were part of H.R. 515, the Fair Credit and Charge Card Disclosure Act of 1988, enacted on November 3, 1988 (53 FR 51785, December 23, 1988). The statutory amendments require credit and charge card issuers to provide certain credit disclosures in telephone solicitations and in direct mail and other applications and solicitations to open credit and charge card accounts. Card issuers will also be required to give cardholders written notice regarding the renewal of their credit and charge card accounts before a cardholder has to pay a fee to renew the account. In addition, the law requires credit card issuers to provide cardholders with written notice of a change in the entity providing credit insurance on credit card accounts.

Regardless of size, most commercial banks offer credit card plans to consumers. The proposed regulations do not distinguish between large and small creditors. Consequently, creditors of all sizes will incur similar types of costs. However, the magnitude of these expenses will depend upon the level of a (cont)

Timetable:

Action	Date	FR Cite
Board proposed amendment to Regulation Z	12/23/88	53 FR 51785
Further Board action by	04/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: particular creditor's credit card plan operation and the type of marketing employed. With respect to bank cards, the majority of credit card accounts are held by a relatively small number of large card issuers. These institutions also probably account for a substantial proportion of the credit card solicitations. Consequently, large card issuers will probably incur a larger aggregate cost, relative to smaller card issuers, to comply with the new rules, although on a cost-per-solicitation or cost-per-account basis these costs will probably be relatively small.

The Board will review the public comments and take further action within the next two months.

Agency Contact: John C. Wood, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100-AB00

3800. REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0639)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229.36

Legal Deadline: None

Abstract: In June 1988, the Board issued for comment a proposed amendment to Regulation CC that would prohibit banks from issuing teller's checks unless a depositary bank located in the same check processing region as the issuing bank would normally receive credit for the check as early as credit for a check drawn on the issuing bank (53 FR 24093, June 27, 1988). The purpose of the amendment is to address the problems connected with certain delayed disbursement practices.

The rule will affect all banks regardless of size. It is not expected that the proposal will impose significant costs on small banks other than the costs of changing paying banks and purchasing

new check stock for those banks that do not currently meet the equivalent availability standards.

Since the original proposal, the Board, in response to commenters' concerns, has determined that such an amendment would not be effective April 1, 1989 (54 FR 5495, February 3, 1989). If and when a final rule is adopted, the Board will allow such lead time as it determines to be reasonable for the industry to implement any necessary changes. (cont)

Timetable:

Action	Date	FR Cite
Board requested comment on a proposed amendment to Regulation CC	06/27/88	53 FR 24093
Further Board action by	10/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: Following review of public comments and meetings with industry representatives, the Board may take further action within the next six months.

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, **202 452-3874**

RIN: 7100–AA95

3801. ● REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0648)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229

Legal Deadline: None

Abstract: In November 1988, the Board adopted a rule to amend its Regulation CC to treat "bank payable through checks" as local or nonlocal based on the location of the bank on which they are written rather than the location of the bank through which they are payable (53 FR 44324, November 2, 1988). In conjunction with the final rule, the Board issued proposed amendments to Regulation CC designed to alleviate the operational difficulties and additional risks resulting from the final rule (53 FR 44335, November 2, 1988).

The proposed rule would affect all institutions that issue payable through checks. A number of these institutions would be small banks, generally credit unions.

The Board will review the public comments and is expected to take further action within the next four months.

Timetable:

Action	Date	FR Cite
Board issued proposals for comment	11/02/88	53 FR 44335
Further Board action by	06/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Louise L. Roseman, Assistant Director, Federal Reserve System, Div. of Federal Reserve Bank Operations, **202 452-3874**

RIN: 7100–AB01

3802. ● REGULATION: CC - AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (DOCKET NUMBER: R-0649)

Legal Authority: 12 USC 4001 et seq

CFR Citation: 12 CFR 229

Legal Deadline: None

Abstract: The Board's Regulation CC requires banks to make funds available to their customers within specific times, to disclose their fund availability policies to their customers, and to handle returned checks expeditiously. Since the publication of Regulation CC, the Board has received numerous requests from banks and others for clarification of various provisions of the regulation. In November 1988, the Board issued for comment proposed changes to Regulation CC that respond to many of the questions and provide assistance to banks in understanding and complying with the regulation (53 FR 44343, November 2, 1988).

Adoption of the proposed amendments would not result in any significant economic impact on small entities.

The Board will review the public comments and is expected to take further action within the next two months.

Timetable:

Action	Date	FR Cite
Board request comment on proposed changes	11/02/88	53 FR 44343
Further Board action by	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Stephanie Martin, Attorney, Federal Reserve System, Legal Division, **202 452-3198**

RIN: 7100–AB02

3803. FURTHER PROPOSALS TO REDUCE RISKS ON LARGE-DOLLAR WIRE TRANSFER SYSTEMS (DOCKET NUMBER: R-0592)

Legal Authority: 12 USC 221 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In December 1986, the Board requested comment on several proposals that would refine its policy statement on payment system risk (51 FR 45042, December 16, 1986). The proposals included modifying automated clearing house transactions to reduce risks (R-0591) and various proposals to charge a fee for daylight overdrafts as a way of reducing risks associated with them (R-0592). It is not expected that these actions will have a significant economic impact on a substantial number of small entities, because small entities do not usually participate in large-dollar wire transfer systems. In December 1987, following review of public comments, the Board approved changes in the automated clearing house mechanism to reduce risk (52 FR 49086, December 29, 1987). Action on pricing of daylight overdrafts (Docket No. R-0592) is expected by June 1989.

Further, the Board will be conducting a zero-based review of its risk reduction policy during 1989.

Timetable:

Action	Date	FR Cite
Board requested comment	12/16/86	51 FR 45042
Board adopted proposal in part	12/29/87	52 FR 49086
Further Board action by	06/00/89	

FRS — Final Rule Stage

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, **202 452-3368**
RIN: 7100–AA76

FEDERAL RESERVE SYSTEM (FRS) — Completed Actions

3804. REGULATION: H - MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (DOCKET NUMBER: R-0636)

Legal Authority: 12 USC 248; 12 USC 321 to 338; 12 USC 486; 12 USC 1814; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 208.17

Legal Deadline: None

Abstract: In June 1988, the Board issued for comment an amendment to Regulation H designed to facilitate the fullest possible dissemination of publicly available information regarding the condition of State member banks (53 FR 19308, June 3, 1988). The amendment would require such banks to make available upon request their year-end reports of condition or other suitable documents describing their condition.

Under the amendment to Regulation H, state member banks must make available to the public, upon request, one free copy of certain information that is presently prepared by banks. State member banks must also notify the public and shareholders of the availability of the information. Although many commenters to the proposal focused on the cost of such additional regulation, especially to small banks, the Board does not believe that the cost would be substantial. The amendment does not require the banks to prepare any new documents. Notification to the public can be accomplished by means as inexpensive as lobby posters, and notification to shareholders must be in the form of a written announcement that may be included with the (cont)

Timetable:

Action	Date	FR Cite
Proposal regulation issued for public comment	06/03/88	53 FR 19308
Final rule adopted	02/08/89	54 FR 6115

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: ABSTRACT CONT: notice of the annual shareholders meeting.

In February 1989, after review of the public comments, the Board approved the proposal with modifications (54 FR 6115, February 8, 1989).

Agency Contact: Stephen L. Siciliano, Special Assistant to the General Counsel, Federal Reserve System, Legal Division, **202 452-3920**

RIN: 7100–AA86

3805. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0637)

Legal Authority: 12 USC 1843

CFR Citation: 12 CFR 225

Legal Deadline: None

Abstract: In June 1988, the Board proposed for comment amendments to Regulation Y to implement the limitations on grandfathered nonbank banks and industrial banks set forth in the Competitive Equality Banking Act of 1987 (CEBA) (53 FR 21462, June 1, 1988). The limitations in CEBA on nonbank banks include restrictions on new activities, joint-marketing with affiliates, annual growth, and overdrafts. Only the overdraft restriction applies to industrial banks.

The overdraft restriction requires nonbank banks and industrial banks to keep records of their affiliates' transactions in order to measure overdrafts. Because the overdraft restriction is required by CEBA, small entities cannot be exempted from this recordkeeping requirement.

Following an informal hearing on the public comments, the Board, in September 1988, adopted the amendments with minor changes (53 FR 37733, September 28, 1988).

Timetable:

Action	Date	FR Cite
Board requested public comment	06/01/88	53 FR 21462
Board adopted the proposal	09/28/88	53 FR 37733

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Elaine Boutilier, Senior Attorney, Federal Reserve System, Legal Division, **202 452-2418**

RIN: 7100–AA87

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Monday
April 24, 1989

Part LIV

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION (FTC)

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with section 22(d)(1) of the Federal Trade Commission Act, 15 U.S.C. 57b-3(d)(1), and section 610(c) of the Regulatory Flexibility Act, 5 U.S.C. 610(c). Each projected event reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several agenda items concern proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for and the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents the judgment of Commission staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented on the rulemaking record in the final consideration of each proceeding.

Agenda items include the projected timing of certain future actions. In most instances the dates of future events are listed by month, not a specific day. Further details may be obtained from the agency contact responsible for a particular proceeding. Discovery of new information, change of circumstances, or changes in the law may alter the information set forth in this agenda.

FOR FURTHER INFORMATION CONTACT: Further details may be obtained from the agency contact responsible for a particular proceeding.

By direction of the Commission.

Donald S. Clark,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3806	Mail Order Merchandise	3084-AA19
3807	Informal Dispute Settlement Procedures	3084-AA30
3808	Franchise Rule	3084-AA38

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3809	Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
3810	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
3811	Transistor Rule	3084-AA37

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3812	Review of the Funeral Industry Practices Rule	3084-AA05
3813	Retail Food Store Advertising and Marketing Practices	3084-AA17
3814	Review of the Premerger Notification Rules and Report Form	3084-AA23
3815	Appliance Labeling Rule -- Energy Policy and Conservation Act	3084-AA26

FTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3816	Ophthalmic Practice Rules	3084-AA03
3817	Cooling-Off Period for Door-to-Door Sales	3084-AA18

FEDERAL TRADE COMMISSION (FTC) — Prerule Stage

3806. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Legal Deadline: None

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping dates or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Begin Reg Flex Act Review	10/20/83	
End Reg Flex Review	06/10/86	51 FR 20991
ANPR	10/27/88	53 FR 43448
Commission Consideration of Staff Recommendations	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, shipments, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Staff is considering whether to recommend to the Commission that the rule be amended to cover orders placed by telephone or any other means, and whether the rule's definition of "properly completed order" for credit sales should be amended to mean the time the seller receives sufficient information to charge the buyer's account. On October 27, 1988, the Commission published an ANPR inviting public comment on these questions. After analyzing these comments and other information, the staff will recommend that the Commission either publish an NPRM or end the inquiry.

Agency Contact: Joel N. Brewer, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-2967

RIN: 3084–AA19

3807. INFORMAL DISPUTE SETTLEMENT PROCEDURES

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Legal Deadline: None

Abstract: The Magnuson-Moss Warranty Act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. To assess whether any changes are needed, the Commission conducted a regulatory negotiation process in which an advisory committee was charged to recommend to the Commission revisions to the rule that would facilitate the Congressional (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Initial Notice of Intent to Form Advisory Committee	02/12/86	51 FR 5205
Convene Advisory Committee	09/23/86	
Facilitator Report to Commission	12/10/87	

FTC **Prerule Stage**

Action	Date	FR Cite
Commission Consideration of Petition to Amend Rule	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: objective of encouraging warrantors to establish and participate in informal dispute settlement mechanisms. The committee met for the last time on June 17, 1987, and failed to reach a consensus on rule revisions. The Commission and its staff will continue to monitor the impact of the current informal dispute settlement procedures rule. On April 11, 1988, the FTC received a petition from the Motor Vehicle Manufacturers Association and the Automobile Importers Association to amend this rule in order to preempt certain state "lemon" laws. The Commission will consider this petition and take appropriate action.

Agency Contact: Gary Laden, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580, 202 326-3118

RIN: 3084–AA30

3808. ● FRANCHISE RULE

Legal Authority: 15 USC 41 et seq., Federal Trade Commission

CFR Citation: 16 CFR 436

Legal Deadline: None

Abstract: On December 21, 1978, the Commission issued a trade regulation rule applicable to franchises and other business opportunity ventures. The franchise rule took effect on October 21, 1979. The rule requires franchisors to give pre-sale disclosures to prospective investors before they pay money or become legally bound to pay. The disclosures provide material information and are designed to assure that potential investors have the information they need to investigate the franchise offer so they can make an informed investment decision. The Commission is considering whether to amend its trade regulation rule concerning franchises and business opportunity ventures. In particular, the Commission is considering whether to amend the rule's earnings claim and preemption provisions.

Timetable:

Action	Date	FR Cite
ANPR	02/16/89	
Staff Recommendations to Commission	02/00/90	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: Craig Tregillus, Franchise Rule Coordinator, PC-H-238, Federal Trade Commission, Division of Marketing Practices, Washington, D.C. 20580, 202 326-2970

RIN: 3084–AA38

FEDERAL TRADE COMMISSION (FTC) Proposed Rule Stage

3809. AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Legal Deadline: None

Abstract: The objective of the proposed amendment was to ensure that a purchaser's duty to pay is not separated from the seller's duty to perform when a consumer sale is financed by a third party creditor or purchase money lender. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would have extended to creditors the duty to ensure that credit contracts contain the required provision. In November, 1988, the Commission decided to end the rulemaking proceeding without issuing an amended rule. Because the rule affects many sales that are financed by closed-end or open-end consumer credit, it may have a significant effect on a substantial number of small entities. The Commission has solicited comments and data on this issue and, if the rule has had such an effect, whether it should be amended to minimize

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsn Approval and Request for Comment	11/15/79	44 FR 65771
Amendment Proceeding Ended -	11/03/88	53 FR 44456
Commission Consideration of Staff Recommendations	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: what kinds of costs the rule has imposed on small entities, how the rule has affected the availability and cost of credit for small entities, and how creditors and sellers have adapted to the rule. This information will be used

FTC — Proposed Rule Stage

to determine whether the Commission should amend or repeal the Rule.

Agency Contact: Jonathan D. Jerison, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3223

RIN: 3084–AA08

3810. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419

Legal Deadline: None

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. In January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requested public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
NPRM	07/07/88	53 FR 25503
Staff Report	04/17/89	
Presiding Officer Report	05/15/89	
Final Action	08/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which have been reconsidered. The Commission issued an NPRM on July 7, 1988 to consider amendments that would reduce the burden of the rule's recordkeeping and disclosure requirements.

Agency Contact: John M. Mendenhall, Federal Trade Commission, Cleveland Regional Office, Suite 520A, 668 Euclid Ave., Cleveland, Ohio 44114, 216 522-4207

RIN: 3084–AA24

3811. ● TRANSISTOR RULE

Legal Authority: 15 USC 41 et seq., Federal Trade Commission Act

CFR Citation: 16 CFR 414

Legal Deadline: None

Abstract: The Transistor Count Rule states that it is an unfair method of competition and an unfair or deceptive act or practice in connection with the sale of radio receivers (including transceivers) to represent that a radio set contains a specified number of transistors when the transistors counted do not function to detect, amplify, or receive radio signals. The rule was adopted May 4, 1968 and became effective on December 10, 1968. The Commission seeks comment on whether or not changes in technology and marketing over the last twenty years have rendered the rule obsolete and therefore no longer in the public interest. The Commission has issued an ANPR asking for comment on the continued viability of the rule and whether it should be repealed.

Timetable:

Action	Date	FR Cite
ANPR	02/01/89	54 FR 5090
NPRM (if appropriate)	07/00/89	
Final Action	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Robert E. Easton, Special Assistant - Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, 202 326-3029

RIN: 3084–AA37

FEDERAL TRADE COMMISSION (FTC) — Final Rule Stage

3812. REVIEW OF THE FUNERAL INDUSTRY PRACTICES RULE

Legal Authority: 15 USC 45; 15 USC 46(g); 15 USC 57(a)

CFR Citation: 16 CFR 453

Legal Deadline: None

Abstract: The funeral industry practices rule, which became effective on April 30, 1984, seeks to increase consumer access to accurate information about prices and legal requirements prior to and at the time of purchase of funeral goods and services. The Rule: (1) requires funeral directors to provide consumers with itemized pre-sale disclosures; (2) prohibits misrepresentation of legal and cemetery requirements and the preservative or protective value of embalming, caskets, and vaults; (3) prohibits funeral directors from requiring a casket for cremations, or any other tie-in arrangements; (4) prohibits funeral directors from charging for goods and services not specifically ordered, such as embalming, unless required by law; and (5) requires funeral directors to give, on request, price information over the telephone. The Rule provides that no later than four years after its effective date, the Commission will begin a rulemaking to determine whether the Rule should be amended or terminated. Recently, the Commission has issued the Notice of Proposed Rulemaking for public comment and held informal public (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	09/24/82	47 FR 42260
Prohibitions Effective Date	01/01/84	
Affirmative Requirements Effective Date	04/30/84	
ANPRM	12/09/87	52 FR 46706
NPRM	05/31/88	53 FR 19864
Hearings Ended	02/03/89	
Final Action	11/00/89	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: hearings in the cities of Washington, Chicago, and San Francisco. The subsequent steps include the publication of a staff recommendation and a report from the presiding officer. Thereafter, the Commission will make its final determination.

Agency Contact: Raouf M. Abdullah, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, D.C. 20580, 202 326-3024

RIN: 3084–AA05

3813. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Legal Deadline: None

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. If a store runs out of advertised products, it is in violation of the rule even if the store noted the limitations on availability in its advertisement and even if the store provides rainchecks or substitute items. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, training employees to comply with the rule and keeping records to prove compliance. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/84	49 FR 48059
ANPRM Comment Period End	02/08/85	
NPRM	10/24/85	50 FR 43224
NPRM Comment Period End	01/24/86	
Commission Decision to Amend the Rule	04/21/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: The rule may also discourage the advertising of certain kinds of products, such as perishables or goods that are available to the store only in limited supply. The staff concluded from a careful review of the rule's effects that the costs the rule imposes on consumers in the form of higher grocery prices significantly exceeds its benefits. On April 21, 1988, the Commission decided to modify the rule so that a store could comply by clearly and adequately disclosing in its advertisements that there are limitations on availability, or by offering rainchecks or substitute items if supplies run out. The Commission expects to publish a final rule as amended with a statement of basis and purpose early in 1989.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3319

RIN: 3084–AA17

3814. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Significance: Agency Priority

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, (Apendix)

Legal Deadline: None

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. These rules are continually reviewed in order to improve the program's effectiveness and reduce the paperwork burden on the business community. In September 1988, the Commission proposed to amend these rules to exempt the acquisition of small percentages of an issuer's voting securities, and proposed two alternative amendments that would provide other special treatment for acquisitions of small percentages of voting securities. (cont)

Timetable:

Action	Date	FR Cite
Begin Review	09/30/81	
NPRM -- De Minimis Exemption	09/22/88	53 FR 36831
ANPR -- Partnerships	02/24/89	54 FR 7960
Final Action -- De Minimis Exemption	04/00/89	
NPRM -- Partnerships (if appropriate)	07/00/89	
FINAL ACTION -- Partnerships (if appropriate)	10/00/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: In fiscal year 1989 the Commission expects to take final action on these proposals. The Commission also has issued an ANPR seeking comment on options for amending the rules to modify their treatment of transactions involving partnerships.

FTC

Final Rule Stage

Agency Contact: Roberta S. Baruch, Deputy Assistant Director, Federal Trade Commission, Bureau of Competition, Washington, DC 20580, 202 326-3300

RIN: 3084–AA23

3815. APPLIANCE LABELING RULE -- ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Legal Deadline: Final, Statutory, July 1, 1989.
See section 2(d)(2)(B) of Pub. L. 100-357, June 28, 1988, 102 Stat. 672.

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. In 1987, the Commission amended the rule to include central air conditioners and heat pumps and to include two new types of furnace under the rule's coverage. The provisions took effect on June 7, 1988. Since the Commission's rule implements the requirements of EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances but does impose some burdens on distributors and retailers. Some of those entities may be small businesses under section 610 of the Regulatory Flexibility Act. Therefore, the Commission (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	04/08/85	50 FR 13820
End Reg Flex Review	06/13/88	53 FR 22106
NPRM (comprehensive review)	06/13/88	53 FR 22022
NPRM (Fluorescent Light Ballasts)	01/12/89	54 FR 1182
Final Action (Ballasts)	07/01/89	
Final Action (comprehensive review)	12/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: has reviewed the rule to determine whether it has had a significant economic effect on a substantial number of small entities. The Commission has terminated that review and has begun another rulemaking to consider several amendments that would make the rule's energy usage disclosure scheme more efficient for consumers and business. The Commission has estimated that the proposals will reduce the paperwork burden of compliance by 5 percent. Recent amendments to EPCA require the Commission to issue a rule prescribing labeling requirements for fluorescent light ballasts (transformers).

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3035

RIN: 3084–AA26

FEDERAL TRADE COMMISSION (FTC)

Completed Actions

3816. OPHTHALMIC PRACTICE RULES

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Legal Deadline: None

Abstract: On March 17, 1989, the Commission promulgated a trade regulation rule that would prohibit certain state restrictions on optometrists' commercial practices. The rule prohibits state restrictions within the following four categories: (1) limitations on the number of branch offices that optometrists may own or operate; (2) prohibitions on the practice of optometry in commercial locations, such as shopping malls; (3) prohibitions on optometrists' use of trade names; and (4) prohibitions on employer-employee or other affiliations between optometrists and persons who are not optometrists. The rule also continues a requirement that optometrists and ophthalmologists release eyeglass lens prescriptions to their patients upon completion of an eye examination.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period End	02/02/81	
NPRM	01/04/85	50 FR 598
NPRM Comment Period End	04/05/85	
Staff Report	11/17/86	51 FR 43217
Presiding Officer Report	11/26/86	51 FR 43217
Oral Presentations to the Commission	01/29/88	
Commission Decision to Issue Amended Rule	02/10/88	
Final Action	03/13/89	54 FR 10285
Final Rule Published	03/00/89	
Final Rule Effective	07/00/89	
Final Action Effective	09/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Local, State

Agency Contact: Renee Kinsheck, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3287

RIN: 3084–AA03

3817. COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Legal Deadline: None

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, and to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic effect on a (cont)

Timetable:

Action	Date	FR Cite
Begin Reg Flex Act Review	03/03/83	48 FR 9032
NPRM	08/10/87	52 FR 29539
End Reg Flex Review	08/10/87	52 FR 29507
Final Action	11/10/88	53 FR 45455
Final Action Effective	12/12/88	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: ABSTRACT CONT: substantial number of small entities. The Commission has completed its review of the Rule in accordance with Section 610 of the Regulatory Flexibility Act. The Commission concluded, based on this review, that there is no reason to believe that the Rule has had a significant impact on a substantial number of small entities. Therefore, the Commission did not make any changes to the Rule. However, for reasons described in another notice published the same day, the Commission proposed certain non-substantive Rule amendments, and proposed exemptions. The Commission considered the comments responding to the NPRM soliciting comments on changes in the Rule's notice requirements and possible exemptions from the Rule, and has taken final action. The Commission issued final, non- substantive amendments to section 429(a) and (b) of the Rule. The amendments permit alternative methods of complying with notice requirements of the Rule. The Commission also granted exemptions from the Rule to sellers of automobiles at public auctions and tent sales, who have at least one permanent place of business, and sellers of arts and crafts at fairs.

Agency Contact: Joyce Plyler, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 326-3021

RIN: 3084–AA18

[FR Doc. 89-6185 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part LV

Interstate Commerce Commission

Semiannual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION (ICC)

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 16)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 89-02, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of: (1) current and projected rulemakings; and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: A list of proceedings appears below containing information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda also identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in April 1989. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 6, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley and Phillips.

Noreta R. McGee,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Prerule Stage

3818. REVIEW OF CAR-HIRE REGULATION, EX PARTE NO. 334 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Legal Deadline: None

Abstract: The Commission is considering whether regulation of railroad car-hire charges (except charges for boxcars) should be retained, modified, or eliminated.

Timetable:

Action	Date	FR Cite
ANPRM	04/29/85	50 FR 16724
ANPRM Comment Period End	08/28/85	50 FR 27031
Supplemental Comment Period	02/07/86	50 FR 52972
Comments under Internal Review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This proceeding embraces the proposals and record developed in Zone of Reasonableness for Car-Hire Charges, Ex Parte No. 334 (Sub-No. 5), RIN 3120-AA13. In a related proceeding, Ex Parte No. 334 (Sub-No. 7), Suspension of Car-Hire Updates, all further updates of car-hire charges have been suspended pending completion of Review of Car-Hire Regulation, Ex Parte No. 334 (Sub-No. 6). Notice of suspension appeared at 51 FR 263 on 01/03/86.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AA13

3819. EXEMPTION OF DEMURRAGE FROM REGULATION, EX PARTE NO. 462

Significance: Agency Priority

Legal Authority: 49 USC 10505; 49 USC 10750; 49 USC 11121 to 11122; 5 USC 553

CFR Citation: 49 CFR 1033

Legal Deadline: None

Abstract: The Commission is considering whether to exempt in whole or in part rail demurrage from regulation.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/85	50 FR 51565
ANPRM Comment Period End	01/17/86	50 FR 51565
Extension of Public Comment Period	01/21/86	51 FR 2740
Comment Period End	03/18/86	51 FR 2740
Internal Review of Comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB35

ICC

Prerule Stage

3820. RAIL ABANDONMENTS; USE OF RIGHTS-OF-WAY AS TRAILS; SUPPLEMENTAL TRAILS ACT PROCEDURES, EX PARTE NO. 274 (SUB-NO. 13)

Significance: Agency Priority

Legal Authority: 11 USC 1170; 16 USC 1247(d); 49 USC 10321; 49 USC 10362; 49 USC 10505; 49 USC 10903 et seq; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1152

Legal Deadline: None

Abstract: The Commission has reopened this proceeding at the request of the National Association of Reversionary Property Owners to consider whether the rules implementing section 1247(d) of the National Trails System Act should be amended to require: (1) Railroads and trail groups to report to the Commission on the outcome of negotiations to transfer railroad rights-of-way for interim trail use and rail banking purposes and (2) additional reporting if an interim trail use agreement is reached.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/88	53 FR 19807
ANPRM Comment Period End	06/30/88	
Extension of Public Comment Period to 08/18/88	08/03/88	53 FR 29245
Comments under review	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The purpose of the proposal is to create a Commission record of who holds the present interest in rights-of-way that are the subject of interim trail use and rail banking certificates and notices under section 1247(d) so that persons holding reversionary interests in such rights-of-way can contact the Commission to find out who is responsible for maintenance and taxes and to protect property interests in the rights-of-way.

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7278

RIN: 3120–AB45

3821. CLASS EXEMPTION FOR RAIL CONSTRUCTION, EX PARTE NO. 392 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10901; 5 USC 553; 5 USC 559; 5 USC 704

CFR Citation: 49 CFR 1150.35

Legal Deadline: None

Abstract: The Commission is considering whether to exempt from regulation all applications under 49 USC 10901 for construction and operation of new lines of railroad.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/87	52 FR 20632
ANPRM Comment Period End	07/02/87	52 FR 20632
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7278

RIN: 3120–AB50

3822. ● AMENDMENTS TO RAIL CARRIER COST RECOVERY TARIFFS, EX PARTE NO. 290 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1312

Legal Deadline: None

Abstract: The Commission is considering whether its regulations should be revised by changing the regulations governing the form and volume of supplemental matter to rail carrier cost recovery tariffs filed pursuant to Ex Parte No. 290 (Sub-No. 2), Railroad Cost Recovery Procedures. Present regulations provide that such tariffs be published with expiration dates and they may be maintained without regard to the amount of supplemental matter in effect. Informal criticisms have been received by the Commission which indicate that the tariffs have become extremely cumbersome to follow and apply. In view of these criticisms, the Commission is concerned that the tariffs are not being published in a manner which is consistent with the public interest. Comments dealing with problems encountered by users of the rail carrier cost recovery tariffs are sought as well as suggestions for rule changes.

Timetable:

Action	Date	FR Cite
ANPRM	08/19/88	53 FR 31720
ANPRM Comment Period End	11/07/88	53 FR 40922
Comments under review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Lawrence C. Herzig, Chief, Section of Rates and Informal Cases, Interstate Commerce Commission, 12th and Constitution Ave., NW, Room 4310, Washington, DC 20423, 202 275-7358

RIN: 3120–AB56

INTERSTATE COMMERCE COMMISSION (ICC) — Proposed Rule Stage

3823. ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Significance: Agency Priority

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period End	09/28/83	48 FR 25290
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Draft notice of study being prepared	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: Ex Parte No. 431 has been held in abeyance pending the development of cost accounting principles by the Railroad Accounting Principles Board. These principles were published on September 1, 1987, and included a recommendation that further research be performed into certain identified subject areas of the Uniform Railroad Costing System before the system is implemented. This is to be done within 18 months of the Board's report.

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7354

RIN: 3120–AA63

3824. RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS MANUFACTURED COMMODITIES, EX PARTE NO. 346 (SUB-NO. 24)

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Legal Deadline: None

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	02/09/88	53 FR 3900
NPRM Comment Period End	05/16/88	53 FR 9672
Comments under review	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120–AB08

3825. PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS), EX PARTE NO. MC-19 (SUB-NO. 36)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Legal Deadline: None

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	48 FR 49561
NPRM	07/00/89	
NPRM Comment Period End	08/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-7841

RIN: 3120–AB17

3826. RATE GUIDELINES - NON-COAL PROCEEDINGS, EX PARTE NO. 347 (SUB NO. 2)

Significance: Agency Priority

Legal Authority: 49 USC 10301; 49 USC 10321; 49 USC 10326; 49 USC 10701a; 49 USC 10704; 49 USC 10707; 49 USC 11701; 5 USC 553

CFR Citation: None

Legal Deadline: None

Abstract: Proposal to adopt maximum rate reasonableness guidelines for captive non-coal commodities. Request for comments on alternative guidelines for small shippers including small coal shippers.

Timetable:

Action	Date	FR Cite
Notice of proposed policy stmt.	05/22/86	51 FR 18811
Notice of Intent to Participate due	06/02/86	
Comments due	07/21/86	
Begin Review	07/24/87	
End Review	09/30/87	
Comments under internal evaluation	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, 12th &

Constitution Ave., NW, Washington, DC 20423, 202 275-7627

RIN: 3120–AB41

3827. CLASS EXEMPTION FOR THE CONSTRUCTION OF CONNECTING TRACKS UNDER 49 USC 10901, EX PARTE NO. 392 (SUB-NO. 2)

Significance: Agency Priority

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10901; 49 USC 10505

CFR Citation: 49 CFR 1150

Legal Deadline: None

Abstract: The Commission proposes to exempt from the prior approval requirements of 49 USC 10901, the construction of rail connecting tracks, except those construction projects that would result in a major market extension as defined at 49 CFR 1180.3(c).

Timetable:

Action	Date	FR Cite
NPRM	07/24/86	51 FR 26563
NPRM Comment Period End	08/25/86	
Internal review of comments	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120–AB43

3828. COST RATIO FOR RECYCLABLES - COMPLIANCE PROCEDURES, EX PARTE NO. 394 (SUB-NO. 3)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10731; 5 USC 553

CFR Citation: 49 CFR 1134; 49 CFR 1135; 49 CFR 1145

Legal Deadline: None

Abstract: The Commission is proposing rules that will establish procedures by which the Commission annually will (a) announce the revenue-to-variable cost ratio required by 49 USC 10731(e) to apply for the following calendar year; (b) monitor and take necessary action to ensure continued compliance by the railroads with 49 USC 10731(e); and (c) prohibit further rate increases, including those authorized under 49 USC 10707a(a)-(d), on recyclables having revenue/variable cost ratios in excess of the statutory cap level until such rates fall to below the cap level or the statutory cap level increases by Commission order.

Timetable:

Action	Date	FR Cite
ANPRM	06/16/86	51 FR 21780
Extension of time for filing comments on ANPRM; new date: 10/15/86	08/12/86	51 FR 28847
ANPRM Comment Period End	09/15/86	51 FR 21780
NPRM	04/23/87	52 FR 13482
NPRM Comment Period End	07/22/87	52 FR 13482
Notice of Environmental assessment and request for comments	05/06/88	53 FR 16296
Comments under evaluation	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB47

3829. ENVIRONMENTAL DOCUMENTATION IN RAIL PROCEEDINGS, EX PARTE NO. 55 (SUB-NO. 22A)

Significance: Agency Priority

Legal Authority: 49 USC 10321; 49 USC 10505; 49 USC 10903 to 10906; 16 USC 1247(d); 42 USC 4332; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1105

Legal Deadline: None

Abstract: The Commission is considering whether to modify its procedures to increase certain environmental notice periods and the information included in those notices. The modifications would also require service of environmental notices on designated parties, would substitute a revamped environmental notice for the former report requirement, and would reclassify some categories of actions for which environmental analyses are required.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar, Deputy Director, Rail Section, Interstate Commerce Commission, Room 2144, Washington, DC 20423, 202 275-7245

RIN: 3120–AB53

3830. ● EX PARTE NO. 55 (SUB-NO. 69), RULES GOVERNING APPLICATIONS FOR OPERATING AUTHORITY -- REVISION OF FORM OP-1

Legal Authority: 5 USC 551(a); 5 USC 553; 5 USC 559; 16 USC 1456; 49 USC 10101; 49 USC 10321; 49 USC 10541; 49 USC 10921; 49 USC 10922; 49 USC 10923; 49 USC 10924; 49 USC 10928; 49 USC 10931; 49 USC 11102

CFR Citation: 49 CFR 1003; 49 CFR 1160; 49 CFR 1162; 49 CFR 1168

Legal Deadline: None

Abstract: The Commission proposes to revise significantly the general licensing application form (Form OP-1) and to make corresponding revisions in its regulations governing licensing procedures at 49 CFR 1160, 1162, and 1168 and the list of forms at 49 CFR 1003. The proposed OP-1 replacement form would integrate the information presently required in and supersede: (1) the existing Form OP-1 used by applicants for motor and water carrier, property broker, and household goods freight forwarder authority; and (2) Form OCCA-95 used by applicants for temporary and emergency temporary authority. The proposed form revisions are intended to simplify and unify the temporary and permanent authority licensing processes, minimize the application filing burdens on applicants and, in turn, create a more efficient application process, both for the public and the Commission.

Timetable:

Action	Date	FR Cite
NPRM	12/00/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Suzanne O'Malley, Principal Attorney, Motor Section, Interstate Commerce Commission,

ICC — Proposed Rule Stage

Room 2353, Washington, DC 20423, 202 275-7292

RIN: 3120–AB57

INTERSTATE COMMERCE COMMISSION (ICC) — Completed Actions

3831. REVISION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38904

Significance: Agency Priority

CFR Citation: 49 CFR 1207; 49 CFR 1249

Completed:

Reason	Date	FR Cite
Final Action	10/12/88	53 FR 40428
Final Action Effective	11/16/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Lee 202 275-7510

RIN: 3120–AA84

3832. ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

CFR Citation: 49 CFR 1312; 49 CFR 1314

Completed:

Reason	Date	FR Cite
Final Action	02/10/89	54 FR 6403
Final Action Effective	03/13/89	54 FR 6403

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Charles E. Langyher, III 202 275-7739

RIN: 3120–AA99

3833. CERTAIN INTERLOCKING DIRECTORATES; EXEMPTION, EX PARTE NO. 474

Significance: Agency Priority

CFR Citation: 49 CFR 1185

Completed:

Reason	Date	FR Cite
Final Action	10/05/88	53 FR 39096
Final Action Effective	11/04/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joseph H. Dettmar 202 275-7245

RIN: 3120–AB54

[FR Doc. 89-5864 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part LVI

National Credit Union Administration

Semiannual Regulatory Agenda

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration ("NCUA").

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of December 31, 1988. NCUA will also include this agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of December 31, 1988.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: For each regulation listed, the person(s) named in the listing, at the above address or listed telephone number.

SUPPLEMENTARY INFORMATION: The purpose of this agenda is to enable credit unions and the public to follow regulatory development and review at NCUA, and to enable interested parties to more effectively participate in that process. The agenda is divided into three parts: (1) Actions completed since the last agenda; (2) actions proposed but not completed; and (3) actions planned but not yet proposed to the NCUA Board. Interpretive Rulings and Policy Statements (IRPS) promulgated by NCUA are also included in the agenda.

The agenda is published pursuant to NCUA Interpretive Ruling and Policy Statement Number 87-2 ("Developing and Reviewing Government Regulations," 52 FR 35231, September 18, 1987). Executive Order No. 12291 does not require independent executive agencies such as NCUA to publish a regulatory agenda, but NCUA has voluntarily decided to do so by including this agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations."

Approved by the NCUA Board on February 8, 1989.

Becky Baker,

Secretary of the Board.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3834	Reserves	3133-AA12
3835	Nondiscrimination Requirements	3133-AA17
3836	Management Interlocks	3133-AA19
3837	Definitions	3133-AA47
3838	Loan Participation	3133-AA49
3839	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
3840	Records Preservation Programs	3133-AA56
3841	Share, Share Draft and Share Certificate Accounts	3133-AA82
3842	Liquidation Priorities and Adjudication of Claims	3133-AA84
3843	Investment and Deposit Activities	3133-AA87
3844	Regulation Required by the Competitive Equality Banking Act of 1987	3133-AA88
3845	Federal Credit Union Field of Membership and Chartering Policy	3133-AA89
3846	Credit Union Service Contracts	3133-AA95
3847	Retirement Benefits for Employees of Federal Credit Unions	3133-AA96

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3848	FCU Ownership of Fixed Assets	3133-AA06
3849	Treasury Tax and Loan Accounts	3133-AA16
3850	Other Applications	3133-AA44
3851	Federal Credit Unions Acting as Depositories and Financial Agents of the Government	3133-AA53
3852	Employee Responsibility and Conduct	3133-AA64
3853	Organization and Operations of Federal Credit Unions; Fidelity Bond and Insurance Coverage for Federal Credit Unions	3133-AA99

NCUA

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3854	Description of NCUA; Requests for Agency Actions	3133-AA98

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3855	Administrative Actions, Adjudicative Hearings and Rules of Practice and Procedure	3133-AA24
3856	Liquidation Manual	3133-AA65
3857	Corporate Credit Unions	3133-AA68
3858	Report of Crime or Catastrophic Act and Bank Secrecy Act Compliance	3133-AA71
3859	Federal Credit Unions; Payments on Shares by Public Units and Nonmembers and Requirements for Insurance	3133-AA97

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Prerule Stage

3834. RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702

Legal Deadline: None

Abstract: NCUA has asked for suggestions from the public on whether assets other than loans--primarily investments--should be provided for in reserves. No decision has been made on amending the regulations in this regard.

Timetable:

Action	Date	FR Cite
ANPRM	10/19/87	52 FR 38771
ANPRM Comment Period End	02/05/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Michael Riley, Director, Office of Examination and Insurance, (202) 682-9640.

Agency Contact: Robert Fenner, General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA12

3835. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Legal Deadline: None

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41609
ANPRM Comment Period End	01/23/89	53 FR 41609

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Hattie M. Ulan, Acting Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA17

3836. MANAGEMENT INTERLOCKS

Legal Authority: 12 USC 3201

CFR Citation: 12 CFR 711

Legal Deadline: None

Abstract: This part implements the provisions of the Depository Institution Management Interlocks Act.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41614
ANPRM Comment Period End	01/23/89	53 FR 41614

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA19

NCUA

Prerule Stage

3837. DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Legal Deadline: None

Abstract: This section sets forth basic definitions applicable in all NCUA regulations. The definitions will be reviewed for need, accuracy and clarity.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie M. Ulan, Acting Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA47

3838. LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Legal Deadline: None

Abstract: This section sets forth definitions and requirements for Federal credit unions wishing to participate in making loans with other credit unions, credit organizations, or financial organizations. The regulation will be reviewed to determine what changes are needed in this area and how the regulation can be simplified and clarified.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA49

3839. PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Legal Deadline: None

Abstract: This section sets forth definitions and requirements for Federal credit unions that wish to purchase, sell, or pledge a loan or group of loans. This section will be reviewed to determine whether any changes are necessary.

Timetable:

Action	Date	FR Cite
ANPRM	10/24/88	53 FR 41613
ANPRM Comment Period End	01/23/89	53 FR 41613

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA50

3840. RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Legal Deadline: None

Abstract: This part mandates that Federal credit unions maintain a records preservation program. It sets forth program implementation procedures and also lists what records must be stored. Staff is reviewing this part to determine whether it can be deleted, updated, or simplified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-6930

RIN: 3133–AA56

3841. SHARE, SHARE DRAFT AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1752; 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.35

Legal Deadline: None

Abstract: An FCU's payment of dividends on share, share draft and share certificate accounts is limited to available earnings and cannot be guaranteed in advance. Staff is considering recommending to the Board that a statement to this effect be included in NCUA's share account regulation, in light of problems which NCUA has encountered with certain liquidated credit unions.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA82

3842. LIQUIDATION PRIORITIES AND ADJUDICATION OF CLAIMS

Legal Authority: 12 USC 1787

CFR Citation: None

Legal Deadline: None

Abstract: Staff is studying two liquidation issues: priority of payout and the administrative procedure for adjudicating creditor claims.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

NCUA Prerule Stage

Agency Contact: Allan Meltzer, Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA84

3843. INVESTMENT AND DEPOSIT ACTIVITIES

Legal Authority: 12 USC 1757; 12 USC 1766

CFR Citation: 12 CFR 703

Legal Deadline: None

Abstract: NCUA staff is undertaking a comprehensive review of FCU investment authority in light of changes in the marketplace, e.g., increased availability of mutual funds geared primarily toward FCU's new instruments based on permissible FCU investments, new investment structures, statutory expansions of FCU investment authority.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA87

3844. REGULATION REQUIRED BY THE COMPETITIVE EQUALITY BANKING ACT OF 1987

Legal Authority: 12 USC 1766; PL 100-86

CFR Citation: None

Legal Deadline: None

Abstract: Amendments by Competitive Equality Banking Act of 1987 permit the NCUA Board to increase the present maturity limit on second mortgage, mobile home and home improvement loans. Comment was requested on this issue.

Timetable:

Action	Date	FR Cite
ANPRM	10/25/88	53 FR 42953
ANPRM Comment Period End	01/23/89	53 FR 42953

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA88

3845. FEDERAL CREDIT UNION FIELD OF MEMBERSHIP AND CHARTERING POLICY

Legal Authority: 12 USC 1752; 12 USC 1753; 12 USC 1759

CFR Citation: None

Legal Deadline: None

Abstract: The NCUA Board is conducting a comprehensive review of its policies on chartering new Federal credit unions and expansions of existing Federal credit unions, to ensure NCUA policy is implemented fairly and consistently.

Timetable:

Action	Date	FR Cite
Begin Review	08/29/87	52 FR 36429
ANPRM	09/29/87	52 FR 36428
ANPRM Comment Period End	11/27/87	
ANPRM	06/17/88	53 FR 22656
ANPRM Comment Period End	08/16/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Hattie M. Ulan, Acting Assistant General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA89

3846. CREDIT UNION SERVICE CONTRACTS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.26

Legal Deadline: None

Abstract: This section authorizes, subject to certain requirements, an FCU to enter into a contractual agreement with one or more credit unions or other organizations for the purpose of sharing, utilizing, renting, leasing, purchasing, selling, and/or joint ownership of fixed assets, or engaging in activities and/or services relating to the daily operations of credit unions. Staff will review this section to determine if it needs to be clarified or otherwise amended.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Roy DeLoach, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA95

3847. RETIREMENT BENEFITS FOR EMPLOYEES OF FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1766; 12 USC 1761b

CFR Citation: 12 CFR 701.19; 12 CFR 701.24

Legal Deadline: None

Abstract: Section 701.19 sets forth an FCU's authority to provide retirement benefits to employees and officers. Section 724 describes when an FCU can act as a trustee or custodian of pension plans.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General

NCUA **Prerule Stage**

Counsel, 1776 G Street, NW,
Washington, DC 20456, **202 682-9630**

RIN: 3133–AA96

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Proposed Rule Stage

3848. FCU OWNERSHIP OF FIXED ASSETS

Legal Authority: 12 USC 1757(4); 12 USC 1766

CFR Citation: 12 CFR 701.36

Legal Deadline: None

Abstract: This section sets forth limitations on an FCU's ownership of fixed assets. The proposed rule clarifies and simplifies the regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42953
NPRM Comment Period End	01/23/89	53 FR 42953

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Tim Hornbrook, Director of Supervision, National Credit Union Administration, Office of Examination & Insurance, 1776 G Street, NW, Washington, DC 20456, 202 682-9649

RIN: 3133–AA06

3849. TREASURY TAX AND LOAN ACCOUNTS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-1

Legal Deadline: None

Abstract: These sections set forth the authority for and requirements of FCU's when serving as Treasury tax and loan depositaries, and depositaries of public funds and financial agents of the United States Government.

Timetable:

Action	Date	FR Cite
NPRM	10/24/88	53 FR 41611
NPRM Comment Period End	01/23/89	53 FR 41611

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA16

3850. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Legal Deadline: None

Abstract: This section specifies the manner in which applications, requests, or submittals to NCUA, not addressed in other sections of the NCUA Regulations, are to be presented to the Agency. This section has been designated to be removed and incorporated into Part 790.

Timetable:

Action	Date	FR Cite
NPRM	12/11/87	52 FR 47014
NPRM Comment Period End	02/09/88	52 FR 47014
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie Ulan, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA44

3851. FEDERAL CREDIT UNIONS ACTING AS DEPOSITORIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-2

Legal Deadline: None

Abstract: This section sets out the authority for and requirements of Federal credit unions when they serve as depositories and financial agents of the United States Government. It also lists the functions credit unions may perform in this capacity. The proposed rule updates the regulations to current standard uses and requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/24/88	53 FR 41611
NPRM Comment Period End	01/23/89	53 FR 41611

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA53

3852. EMPLOYEE RESPONSIBILITY AND CONDUCT

Legal Authority: EO 11222; 5 CFR 735.104; 12 USC 1766

CFR Citation: 12 CFR 792

Legal Deadline: None

Abstract: This regulation sets forth the rules governing NCUA employees. The rule does not affect credit unions. The NCUA Board proposed to redesignate Part 792 to Part 796 in order to streamline NCUA Rules and Regulations (53 FR 41610 10/24/88).

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	53 FR 42955

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

NCUA — Proposed Rule Stage

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, Office of General Counsel, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA64

3853. ● ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS; FIDELITY BOND AND INSURANCE COVERAGE FOR FEDERAL CREDIT UNIONS

Significance: Agency Priority

Legal Authority: 12 USC 1755 to 1757; 12 USC 1759; 12 USC 1761a to 1761b; 12 USC 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1798

CFR Citation: 12 CFR 701.20(c)

Legal Deadline: None

Abstract: The proposed change would require a provision in FCU bonds assuring that surety notifies NCUA whenever bond coverage of a credit union is terminated in its entirety, or when it is terminated on an individual employee or official.

Timetable:

Action	Date	FR Cite
NPRM	10/24/88	53 FR 41610
NPRM Comment Period End	01/23/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Allan Meltzer, Assistant General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA99

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Final Rule Stage

3854. ● DESCRIPTION OF NCUA; REQUESTS FOR AGENCY ACTIONS

Significance: Agency Priority

Legal Authority: 12 USC 1766; 12 USC 1789; 12 USC 1795f

CFR Citation: 12 CFR 790

Legal Deadline: None

Abstract: This is the final step in a restructuring and clarifying of regulations concerning NCUA internal operations. When it is completed, three consecutive parts will address NCUA operations as follows: Part 790, NCUA organization and structure; Part 791, rules and NCUA board procedure; and Part 792, information and privacy laws.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 42955
NPRM Comment Period End	01/23/89	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hattie Ulan, Acting Assistant General Consel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA98

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Completed Actions

3855. ● ADMINISTRATIVE ACTIONS, ADJUDICATIVE HEARINGS AND RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1766; 12 USC 1786; 12 USC 1789; 12 USC 1795c

CFR Citation: 12 CFR 747.501

Legal Deadline: None

Abstract: This final amendment conforms the NCUA's Rules and Regulations to the changes made to section 206(g) of the FCU Act by the Competitive Equality Banking Act of 1987. The Amendment expands NCUA's removal, prohibition and suspension powers.

Timetable:

Action	Date	FR Cite
Final Action	08/05/88	53 FR 29446
Final Action Effective	08/05/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Julie Tamuleviz, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 682-9630

RIN: 3133–AA24

3856. LIQUIDATION MANUAL

Legal Authority: 12 USC 1766(a); 12 USC 1786; 12 USC 1789

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Involuntary Liquidation Manual project has been suspended until further notice is published in the Federal Register.

Timetable:

Action	Date	FR Cite
Withdrawn	02/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Timothy Hornbrook/Allan Meltzer, Director of Supervision/Assistant General Counsel, National Credit Union Administration, Office of Examination and Insurance, 1776 G Street, NW, Washington, DC 20456, 202 682-9640

RIN: 3133–AA65

NCUA

Completed Actions

3857. CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1762; 12 USC 1766(a); 12 USC 1781; 12 USC 1789

CFR Citation: 12 CFR 704

Legal Deadline: None

Abstract: The final rule makes changes to the regulation, including addition of a definition of "average daily assets," clarification of items that may be excluded from assets prior to the reserve transfer computation, and specifying that the annual CPA audit must be an opinion audit.

Timetable:

Action	Date	FR Cite
NPRM	06/02/88	53 FR 20122
NPRM Comment Period End	08/01/88	
Final Action	10/25/88	53 FR 42942
Final Action Effective	10/25/88	53 FR 42942

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Linda Groth, Corporate Credit Union Specialist, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 682-9640**

RIN: 3133–AA68

3858. ● REPORT OF CRIME OR CATASTROPHIC ACT AND BANK SECRECY ACT COMPLIANCE

Legal Authority: 12 USC 1766; 12 USC 1786; 31 USC 534

CFR Citation: 12 CFR 748.1(c)

Legal Deadline: None

Abstract: This final amendment updates the procedures for FCU's to report crimes and suspected crimes.

Timetable:

Action	Date	FR Cite
Final Action	07/12/88	53 FR 26232
Final Action Effective	07/12/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John K. Ianno, Staff Attorney, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA71

3859. ● FEDERAL CREDIT UNIONS; PAYMENTS ON SHARES BY PUBLIC UNITS AND NONMEMBERS AND REQUIREMENTS FOR INSURANCE

Significance: Agency Priority

Legal Authority: 12 USC 1755 to 1757; 12 USC 1759; 12 USC 1761a to 1761b; 12 USC 1766 to 1767; 12 USC 1782; 12 USC 1784; 12 USC 1787; 12 USC 1789; 12 USC 1781

CFR Citation: 12 CFR 701.32; 12 CFR 741.5

Legal Deadline: None

Abstract: New Section 701.32 requires that FCU's obtain NCUA approval prior to receiving nonmember funds in excess of 20% of total shares. Credit unions exceeding 20% at the time the regulation was adopted must, within 60 days, come into compliance or request NCUA approval. A change to Section 741.5 of the Regulations requires that federally-insured, state chartered credit unions comply with these limitations.

Timetable:

Action	Date	FR Cite
Interim final rule effective	12/19/88	
Final Action	12/19/88	53 FR 50918
Comment period ends	02/20/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James J. Engel, Deputy General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, **202 682-9630**

RIN: 3133–AA97

[FR Doc. 89-5865 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part LVII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NUCLEAR REGULATORY COMMISSION (NRC)

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The agenda is a compilation of all rules on which the NRC has recently completed action or has proposed or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual agenda on October 24, 1988 (53 FR 42842).

ADDRESSES: Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered between 7:30 a.m. and 4:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed in the agenda are available for public inspection and copying at a cost of ten cents per page at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555. Single copies of the NRC quarterly agenda can be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082. Customers may call (202) 275-2060 or (202) 275-2171.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact Michael Lesar, Acting Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-7758. Persons outside the Washington, DC, metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the agenda is only required semiannually in April and October, the NRC has chosen to update and publish its agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual agenda on October 24, 1988 (53 FR 42842).

Within each group, the rules are ordered from the lowest to the highest part within Title 10 of the Code of Federal Regulations (Title 10) and when more than one rule appears under the same part, the rules are arranged within that part according to the date of most recent publication. If a rule contains changes to more than one Title 10 part, the rule is listed under the lowest affected part.

The information in this agenda has been updated through February 24, 1989. The date under the heading, "Timetable," for the next scheduled action is the date the rule is scheduled to be published in the **Federal Register.** The date is considered tentative and is not binding on the Commission or its staff. This regulatory agenda is intended to provide the public early notice and opportunity to participate in the NRC rulemaking process. However, the NRC may consider or act on any rulemaking even though it is not included in the regulatory agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations (EDO) initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+) at the beginning of the title. As additional rules receive EDO approval, they will be identified in subsequent editions of this agenda.

The NRC agenda lists rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291.

Four rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland, this 24th day of February 1989.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3860	Personnel Access Authorization Program	3150-AA90
3861	Acceptance of Products Purchased for Use in Nuclear Power Plant Structures, Systems, and Components	3150-AD10

NRC

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3862	Comprehensive Quality Assurance in Medical Use and a Standard of Care	3150-AC42
3863	Medical Use of Byproduct Material: Training and Experience Criteria	3150-AC99
3864	Criteria for Licensing the Custody and Long-Term Care of Uranium Mill Tailings Sites	3150-AC56
3865	Regulation of Uranium Enrichment Facilities	3150-AC71
3866	Nuclear Plant License Renewal	3150-AD04
3867	Night Firing Qualifications for Security Guards at Nuclear Power Plants	3150-AC88
3868	Indemnification of Licensees that Manufacture, Produce, Possess or Use Radiopharmaceuticals or Radioisotopes for Medical Purposes	3150-AD13
3869	Sequestration of Witnesses Interviewed Under Subpoena	3150-AD06
3870	Basic Quality Assurance in Radiation Therapy	3150-AC65
3871	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
3872	Availability of Official Records	3150-AC07
3873	Revision of Definition of Meeting	3150-AC78
3874	Twenty-Four Hour Notification of Incidents	3150-AC91
3875	Palladium-103 for the Interstitial Treatment of Cancer	3150-AD11
3876	Licensees and Radiation Safety Requirements for Large Irradiators	3150-AC98
3877	Safety Related and Important to Safety in 10 CFR Part 50	3150-AB88
3878	Codes and Standards for Nuclear Power Plants (ASME Code, Section XI, Division 1, Subsection IWE)	3150-AC93
3879	Pressurized Thermal Shock Rule	3150-AD01
3880	Codes and Standards for Nuclear Power Plants (ASME Code, 1986/1987 Addenda)	3150-AD05
3881	Minor Amendments to Physical Protection Requirements	3150-AD03
3882	Storage of Spent Nuclear Fuel in NRC Approved Casks at Civilian Nuclear Power Reactor Sites	3150-AC76
3883	NRC Acquisition Regulation (NRCAR)	3150-AC01

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3884	Radioactive Waste Below Regulatory Concern; Generic Rulemaking	3150-AC35
3885	Licensee Action During National Security Emergency	3150-AC83
3886	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
3887	Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
3888	NEPA Review Procedures or Geologic Repositories for High-Level Waste	3150-AC04
3889	Issuance or Amendment of Power Reactor License or Permit Following Initial Decision	3150-AC15
3890	Rules of Practice for Domestic Licensing Proceedings--Procedural Changes in Hearing Process	3150-AC22
3891	Rule on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-Level Radioactive Waste	3150-AD02
3892	Standards for Protection Against Radiation	3150-AA38
3893	Disposal of Waste Oil by Incineration from Nuclear Power Plants	3150-AC14
3894	Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68
3895	Fitness For Duty Program	3150-AC81
3896	Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
3897	Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
3898	Safety Requirements for Industrial Radiographic Equipment	3150-AC12
3899	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
3900	Education and Experience Requirements for Senior Reactor Operators and Supervisors at Nuclear Power Plants	3150-AC26
3901	Flow Control Conditions for the Standby Liquid Control System in Boiling Water Reactors	3150-AC72
3902	Ensuring the Effectiveness of Maintenance Programs for Nuclear Power Plants	3150-AD00
3903	Tables S-3 and S-4, Addition of Radon-222 and Technetium-99 Radiation Values, and Addition of Appendix B, "Table S-3 Explanatory Analysis"	3150-AA31
3904	Early Site Permits; Standard Design Certifications; and Combined Licenses for Nuclear Power Reactors	3150-AC61
3905	Elimination of Inconsistencies between NRC Regulations and EPA Standards	3150-AC03
3906	Disposal of Radioactive Wastes	3150-AB89
3907	Transportation Regulations: Compatibility With the International Atomic Energy Agency (IAEA)	3150-AC41
3908	Criteria for an Extraordinary Nuclear Occurrence	3150-AB01
3909	Financial Protection Requirements and Indemnity Agreements; Miscellaneous Amendments Necessitated by Changes in the Price-Anderson Act	3150-AD08
3910	Reasserting NRC's Sole Authority for Approving Onsite Low-Level Waste Disposal in Agreement States	3150-AC57
3911	Debt Collection Procedures	3150-AC87

NRC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3912	Extension of Time for the Implementation of the Decontamination Priority and Relationship Provisions of Property Insurance Requirements	3150-AC94
3913	Freedom of Information Act; Appeal Authority for Deputy Executive Director for Operations	3150-AD14
3914	Access to Safeguards Information	3150-AD12

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3915	Reorganization of Functions Within the Office of Administration and Resources Management and Minor Corrective Amendments	3150-AD09
3916	Licensing Requirements for the Storage of Spent Fuel and High- Level Radioactive Wastes	3150-AB70
3917	Acceptance Criteria for Emergency Core Cooling System (ECCS) for Light Water Nuclear Power Reactors	3150-AA44
3918	Alternative Methods for Leakage Rate Testing	3150-AC54
3919	Licensee Announcement of Inspectors	3150-AC73
3920	Criteria and Procedures for Emergency Access to Non-federal and Regional Low-Level Waste Disposal Facilities	3150-AC24
3921	Centralization of Material Control and Accounting Responsibilities for Non-Reactor Facilities	3150-AD07
3922	Safeguards Requirements for Fuel Facilities Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AC62
3923	Restrictions Against Ownership of Certain Security Interests by Members of Advisory Committee on Nuclear Waste; Gifts, Entertainment, and Favors	3150-AC92
3924	Relocation of NRC's Public Document Room; Other Minor Nomenclature Changes	3150-AC89
3925	Revision of Fee Schedules	3150-AC80
3926	Rule on the Submission and Management of Records and Documents Related to the Licensing of a Geologic Repository for the Disposal of High-Level Radioactive Waste	3150-AC44
3927	Enforcement of Nondiscrimination on the Basis of Handicap in Federal Assisted Programs	3150-AC64
3928	Emergency Planning and Preparedness Requirements for Nuclear Power Plant Fuel Loading and Initial Low-Power Operations	3150-AC86
3929	Facility Form Nuclear Liability Insurance Policy; Miscellaneous Amendments	3150-AC82
3930	Minor Amendments to Physical Protection Requirements	3150-AC96
3931	Deletion of Part 11 Requirement for Renewal of "R" Clearances	3150-AC58

NUCLEAR REGULATORY COMMISSION (NRC) — Prerule Stage

3860. ● PERSONNEL ACCESS AUTHORIZATION PROGRAM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050; 10 CFR 073

Legal Deadline: None

Abstract: The Commission has concluded that it is appropriate for each licensee who operates a nuclear power plant to establish an access authorization program to ensure that individuals who require unescorted access to protected areas or vital areas of their facilities are trustworthy, reliable, emotionally stable, and do not pose a threat to commit radiological sabotage. Accordingly, the NRC published a proposed rule on August 1, 1984, which would require an access authorization program at nuclear power plants (42 FR 30726).

An alternative proposal by the Nuclear Utility Management and Resource Committee (NUMARC) was submitted as a public comment on this proposed rule. The alternative proposed a voluntary industry commitment to implement an access authorization program at nuclear power plants based upon industry guidelines. Major provisions of this program include background investigation, psychological evaluation, and behavioral observation.

Timetable:

Action	Date	FR Cite
Proposed Policy Statement Published	03/09/88	53 FR 7534

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

On June 18, 1986, the Commission approved developing a policy statement endorsing industry guidelines as an alternative to the proposed rulemaking. Commitments to adhere to these guidelines would be formalized through amendments to the physical security

plans and be subject to inspection and enforcement by NRC.

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AA90

3861. ● ACCEPTANCE OF PRODUCTS PURCHASED FOR USE IN NUCLEAR POWER PLANT STRUCTURES, SYSTEMS, AND COMPONENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is proposing to develop regulations requiring enhanced receipt inspection and testing of products purchased for use in nuclear power plant structures, systems, and components. These regulations are believed to be necessary to provide an acceptable level of assurance that products purchased for use in nuclear power plants will perform as expected to protect the public health and safety. An Advance Notice of Proposed Rulemaking (ANPRM) will be published to solicit public comments on the need for additional regulatory requirements and to obtain an improved understanding of alternatives to regulatory requirements.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/89	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Agency Contact: Max J. Clausen, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-0969**

RIN: 3150–AD10

NUCLEAR REGULATORY COMMISSION (NRC) — Proposed Rule Stage

3862. COMPREHENSIVE QUALITY ASSURANCE IN MEDICAL USE AND A STANDARD OF CARE

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is considering whether to amend its regulations to require a comprehensive quality assurance program for medical licensees using byproduct materials. The purpose of this rulemaking action is to address each source of error that can lead to a misadministration. An advance notice of proposed rulemaking was published to request public comment on the extent to which, in addition to the basic quality assurance steps (being addressed by another rulemaking action, entitled "Basic Quality Assurance in Radiation Therapy"), a more comprehensive quality assurance requirement is needed and invites advice and recommendations on about 20 questions that will have to be addressed in the rulemaking process.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/87	52 FR 36949
ANPRM Comment Period End	12/31/87	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC42

3863. MEDICAL USE OF BYPRODUCT MATERIAL: TRAINING AND EXPERIENCE CRITERIA

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The Commission is considering whether its training and experience criteria for individuals involved in medical use of byproduct material need to be revised. Rulemaking may be needed to reduce the change of misadministrations. The Commission may proceed with rulemaking, assist in the development of national voluntary training standards, or issue a policy statement recommending increased licensee attention to training. If the Commission proceeds with rulemaking, the NRC could publish criteria in its regulations or recognize medical specialty certificates. The NRC is not able to project costs or benefits at this time, and has requested cost/benefit comments in an Advance Notice of Proposed Rulemaking published May 25, 1988. The NRC has hired a contractor to study training, accreditation and certification programs that are now in place. The NRC staff will analyze the study results and the comments received to determine whether regulatory action is necessary.

Timetable:

Action	Date	FR Cite
ANPRM	05/25/88	53 FR 18845
ANPRM Comment Period End	08/24/88	53 FR 18845

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 492-3417**

RIN: 3150–AC99

3864. CRITERIA FOR LICENSING THE CUSTODY AND LONG-TERM CARE OF URANIUM MILL TAILINGS SITES

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 40

Legal Deadline: None

Abstract: The proposed rulemaking would amend 10 CFR Part 40 (Domestic Licensing of Source Material), to include a procedure for licensing a custodian for the post-closure, long-term control of uranium mill tailings sites required by the Uranium Mill Tailings Radiation Control Act of 1987 (UMTRCA). This amendment would establish a general license for custody

and long-term care of uranium mill tailings by the Department of Energy, other designated Federal agencies, or States when applicable. The general license would be formulated so that it would become effective for a particular site when (1) NRC concurs in the DOE determination that the site has been properly constructed and (2) a surveillance and maintenance plan that meets the requirements of the general license has been received by NRC. No significant impact to the public or industry is expected as a result of this proposed action.

Timetable:

Action	Date	FR Cite
ANPRM	08/25/88	53 FR 32396
ANPRM Comment Period End	10/24/88	
NPRM	06/00/89	
Final Action	03/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark Haisfield, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3877**

RIN: 3150–AC56

3865. REGULATION OF URANIUM ENRICHMENT FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 76

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is considering whether to amend its regulations to create a new part that would pertain to uranium enrichment facilities. The construction and operation of these facilities are currently licensed under the regulations for other production and utilization facilities (e.g., nuclear power plants) in 10 CFR Part 50. An advance notice of proposed rulemaking requested comments on whether a separate set of regulations for uranium licensing is desirable. Comments have been received are are being reviewed.

Timetable:

Action	Date	FR Cite
ANPRM	04/22/88	53 FR 13286
ANPRM Comment Period End	10/22/88	53 FR 35827

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Peter Loysen, Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards, Washington, DC 20555, **301 492-0685**

RIN: 3150–AC71

3866. ● NUCLEAR PLANT LICENSE RENEWAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking announces that the Commission is developing regulations for extending nuclear power plant licenses beyond 40 years. To inform the public, industry, and other government agencies of this activity, the Commission has published NUREG--1317, "Regulatory Options for Nuclear Plant License Renewal," and is requesting comments on it.

Timetable:

Action	Date	FR Cite
ANPRM	08/29/88	53 FR 32919
ANPRM Comment Period End	10/28/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Donald Cleary, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3556**

RIN: 3150–AD04

3867. NIGHT FIRING QUALIFICATIONS FOR SECURITY GUARDS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: The proposed rule would ensure that security force effectiveness at nuclear power plants is not dependent on the time of day. Security guards currently are required to perform night firing for familiarization only. There is no requirement for standards to measure their effectiveness. The proposed rule would change that by requiring that security guards at nuclear power plants qualify for night firing. The only alternative to rulemaking is to retain the current status.

Part 73, Appendix B, Part IV, will be amended to require reactor security guards to qualify annually in an NRC-approved night firing course with their assigned weapons. The proposed amendment will standardize training and qualification in night firing and prepare power reactor guard forces to more effectively respond in the event of an incident occurring in limited lighting conditions. The cost to industry should be relatively modest since licensees already operate daylight firing training and qualification facilities and programs. The costs to NRC will also be minimal because it will only (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/00/89	
Final Action	05/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: require minor licensing, inspection and other regulatory actions. There is no occupational exposure.

It is estimated that 0.4 staff-years of effort over 2 years by the NRC will be required for the rulemaking.

Agency Contact: Dr. Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AC88

3868. ● INDEMNIFICATION OF LICENSEES THAT MANUFACTURE, PRODUCE, POSSESS OR USE RADIOPHARMACEUTICALS OR RADIOISOTOPES FOR MEDICAL PURPOSES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission (NRC) is required to conduct a negotiated rulemaking to determine whether to enter into indemnity agreement with persons licensed by the Commission or by an Agreement State for the manufacture, production, possession, or use of radioisotopes or radiopharmaceutical for medical purposes. The Price Anderson Amendments Act requires the NRC to conduct the negotiated rulemaking proceedings. Upon completion of proceedings, the designated convenor for the proceedings will provide recommendations on whether the NRC should enter into indemnity agreements with radiopharmaceutical licensees. If the convenor recommends that the NRC indemnify any of the licensees, a proposed rule will be drafted to set forth the terms and conditions of indemnification.

Timetable:

Action	Date	FR Cite
Notice of Intent	10/14/88	53 FR 40233
NPRM	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1623**

RIN: 3150–AD13

3869. ● SEQUESTRATION OF WITNESSES INTERVIEWED UNDER SUBPOENA

Legal Authority: 41 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 019

Legal Deadline: None

Abstract: The proposed rule would give the agency official conducting the investigation (after consultation with the Office of the General Counsel), the authority to exclude counsel when there is a reasonable basis to believe that the attendance of the particular attorney might prejudice, impede, or impair the investigation by reason of that attorney's dual representation of other interests. The proposed rule also provides for the separation of multiple interviewees during the conduct of interviews and defines sequestration. The proposed action is necessary because the NRC has encountered difficulties in conducting investigative interviews of individuals in an atmosphere free of outside influences. The proposed rule is intended to clarify and delineate the rights and responsibilities of the agency, interviewees, and the licensees during the conduct of agency investigations and inspections. The proposed amendments are not expected to have any economic impact on the NRC or its licensees.

Timetable:

Action	Date	FR Cite
NPRM	11/14/88	53 FR 45768
NPRM Comment Period End	01/10/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Carolyn F. Evans, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1632**

RIN: 3150–AD06

3870. BASIC QUALITY ASSURANCE IN RADIATION THERAPY

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is proposing to amend its regulations concerning the medical use of byproduct material. The proposed amendments would require its medical licensees that use byproduct material to implement a written basic quality assurance program that will avoid simple human errors and promptly detect and correct any errors that occur. The proposed action is necessary to provide for improved patient safety and serve as a basis for enforcement action in case of a therapy misadministration. The proposed amendment, which is intended to reduce the potential for and severity of therapy misadministrations, would primarily affect hospitals, clinics, and individual physicians.

Timetable:

Action	Date	FR Cite
NPRM	10/02/87	52 FR 36942
NPRM Comment Period End	12/01/87	52 FR 36942

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3797**

RIN: 3150–AC65

3871. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Legal Deadline: None

Abstract: Chairman Zech has requested re-submission of this proposed rule for possible re-consideration by the Nuclear Regulatory Commission. The Commission had deferred further consideration of this proposal which would have revised the Commission's procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings under 10 CFR Part 110. The proposed rule would shorten and simplify existing Commission procedural rules applicable to domestic licensing proceedings by comprehensively restating the current practice, and revising and reorganizing the statement of those rules to reflect current practice. The changes in this proposed rule would enable the Commission, directly and through its adjudicatory offices, to render decisions in a more timely fashion, eliminate the stylistic complexity of the existing rules, and reduce the burden and expense to the parties participating in agency proceedings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Sebastian Aloot, Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, 301 492-7787

RIN: 3150–AB66

3872. AVAILABILITY OF OFFICIAL RECORDS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed amendment would conform the NRC's regulations pertaining to the availability of official records to existing case law and agency practice. The amendment would reaffirm that the terms of 10 CFR 2.790(c) provide submitters of information a qualified right to have their information returned upon request. This amendment informs the public of three exceptions to the right to withdraw, pursuant to 10 CFR 2.790(c) of the NRC's regulations, i.e., information submitted in a rulemaking proceeding that subsequently forms the basis for the final rule, information which has been made available to an advisory committee or was received at an advisory committee meeting, and information that is subject to a pending Freedom of Information Act request.

Additionally, the proposed amendment would add a notice statement to 10 CFR Part 2 that submitters of documents and information to the NRC should be careful in submitting copyrighted works. The agency in receiving submittals and making its normal distributions routinely photocopies submittals, makes microfiche of such submittals and insures that these (con't)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: fiche are distributed to the PDR, LPDRs, all appropriate internal offices, and to the National Technical Information Service Center. This broad distribution and reproduction is made to satisfy the congressional mandate of Section 142(b) of the Atomic Energy Act by increased public understanding of the peaceful uses of atomic energy. Accordingly, copyright owners are on notice that their act of submitting such works to the agency will be considered as the granting to the NRC an implied license to reproduce and distribute according to normal agency practice. Naturally, this notice does not prevent submitters from applying 10 CFR 2.790(b)(1) procedures to information that contains trade secrets or privileged or confidential commercial or financial information (proprietary information) and it is recognized that some information in those categories may be copyrighted. The key factor is that it is their proprietary information status that exempts them from public disclosure and not their copyright designation. Lastly, this implied license is not applicable to fair use of copyrighted works or the incorporation by reference of copyrighted works in agency submittals.

Agency Contact: Mary Kathryn Hembree, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1559

RIN: 3150–AC07

3873. REVISION OF DEFINITION OF MEETING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Legal Deadline: None

Abstract: The proposed rule would return the definition of "meeting" to its pre-1985 wording. The proposal is based on a study of comments submitted on an interim final rule published on May 21, 1985 (50 FR 20889), and the 1987 recommendations and report of the American Bar Association (ABA). Since the pre-1985 wording of the definition of meeting is fully adequate to permit the types of non-Sunshine Act discussions that the NRC believes would be useful, the proposal calls for the NRC to reinstitute its pre-1985 definition of meeting, with the intention of conducting its non-Sunshine Act discussions in accordance with the guidelines recommended by the ABA.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Peter Crane, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 301 492-1634

RIN: 3150–AC78

3874. TWENTY-FOUR HOUR NOTIFICATION OF INCIDENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: This rulemaking would amend 10 CFR Part 20.403(a) and (b) to clarify the licensees' reporting requirements. While 10 CFR 20.403(a) and (b) are reasonably clear in terms of licensee reporting requirements for events involving "exposures" and "releases" of radioactive materials, these sections are not clear concerning events involving "loss of operation" and "damage to property." "Loss of operation" should be clarified in terms of loss of use of facilities, devices or equipment. "Damage to property" should be clarified to include contamination clean-up if the corrective action is equal to or greater than a certain cost. In addition, the rulemaking should also define "immediate" in actual time, e.g., within 1 hour, for reporting requirements.

This rulemaking action will clarify a current Commission regulation; there is no other appropriate procedure to accommodate the clarification. This rulemaking activity is considered to be a high priority item by NMSS.

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The health and safety of the public will be better protected because improved reporting requirements will reduce the potential risk of exposure to radiation from damaged or contaminated material. Clarifying the reporting requirements will simplify regulatory functions and free the staff from unnecessary additional investigation and, at the same time, protect the industry from unnecessary and unexpected fines. The offices of OE, NMSS, and RES are significantly affected by this clarification. ARM and the regions are affected, but to a much lesser degree.

Agency Contact: Joseph J. Mate, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3795

RIN: 3150–AC91

3875. ● PALLADIUM-103 FOR THE INTERSTITIAL TREATMENT OF CANCER

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 035

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations concerning the medical use of byproduct material to add Palladium-103 sealed source as seeds to the list of sources permitted for use in cancer treatment under 10 CFR 35.400. Under current NRC regulations. Each potential user would be required to obtain a license amendment before they would be permitted to use Palladium-103 seeds in brachytherapy. The proposed rule, developed in response to a petition for rulemaking (PRM-35-7), would allow the use of Palladium-103 seeds by each potential user, about 700 licensees, without requiring each user to obtain a license amendment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Anthony Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3797

RIN: 3150–AD11

3876. LICENSEES AND RADIATION SAFETY REQUIREMENTS FOR LARGE IRRADIATORS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 036

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is developing regulations to specify radiation safety requirements and license requirements for the use of licensed radioactive materials in large irradiators. Irradiators use gamma radiation to irradiate products to change their characteristics in some way. The requirements would apply to large panoramic irradiators (those in which the radioactive sources and the material being irradiated are in a room that is accessible to personnel while the source is shielded) and certain large self-contained irradiators in which the source always remains under water. The rule would not cover small self-contained irradiators, instrument calibrators, medical uses of sealed sources (such as teletherapy), or non-destructive testing (such as industrial radiography).

The alternative to a regulation is continuing to license irradiators on a case-by-case basis using license conditions. The formalization would make the NRC's requirements better understood and possibly speed the licensing of irradiators. Development of the rule will require 2 staff-years.

Timetable:

Action	Date	FR Cite
NPRM	06/00/89	
Final Action	05/00/90	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3757

RIN: 3150–AC98

3877. SAFETY RELATED AND IMPORTANT TO SAFETY IN 10 CFR PART 50

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission proposes to clarify its regulations on the use of the terms "important to safety" and "safety related" by adding definitions of these two terms and of "facility licensing documents" to 10 CFR Part 50 and by discussing how these definitions will be applied in NRC licensing reviews. Significant issues concerning the meaning of these terms as they are used in this part have arisen in Commission licensing proceedings. This proposed rule would define these terms and clarify the nature and extent of their effect on quality assurance requirements, thereby resolving these issues.

Rulemaking was chosen as the method of resolving this issue as a result of the Commission's directive to resolve the issue by rulemaking contained in the Shoreham licensing decision (CLI-84-9, 19 NRC 1323, June 5, 1984).

A position paper requesting approval of the staff proposed definitions and additional guidance from the Commission was signed by the EDO on May 29, 1986. In addition to rulemaking, the position paper discusses the alternative of the Commission (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: issuing a policy statement concerning the definitions and their usage.

Since the proposed rule is only clarifying existing requirements, there is no impact on the public or the industry as a result of this rulemaking. It is anticipated that the NRC will expend 3.2 to 4.4 staff years in developing the final rule over a two year period. The manpower and time frame will depend on Commission guidance received on

the extent to which 10 CFR usage of the terms is to be consistent, i.e., 10 CFR Part 50 only or all of 10 CFR. The timetable for this rule is on hold based on a decision by the Commission.

Agency Contact: Jerry N. Wilson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3729**

RIN: 3150–AB88

3878. ● CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, SECTION XI, DIVISION 1, SUBSECTION IWE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference Subsection IWE, "Requirements for Class MC Components of Light-Water Cooled Power Plants," of Section XI (Division 1) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). Subsection IWE provides the rules and requirements for inservice inspection, repair, and replacement of Class MC pressure retaining components and their integral attachments, and of metallic shell and penetration liners of Class CC pressure retaining components and their integral attachments in light-water cooled power plants.

Incorporation by reference of Subsection IWE will provide systematic examination rules for containment structure for meeting Criterion 53 of the General Design Criteria (Appendix A of 10 CFR Part 50) and Appendix J of 10 CFR Part 50. Age-related degradation of containments has occurred, and additional and potentially more serious degradation mechanisms can be anticipated as nuclear power plants age. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: If the NRC did not take action to endorse the Subsection IWE rules, the NRC position on examination practices for containment structure would have to be established on a case-by-case basis and improved examination practices for steel containment structures might not be implemented. The other alternatives of incorporating these detailed examination requirements into the American National Standard ANSI/ANS 56.8-1981 or into Appendix J are not feasible.

Incorporating by reference the latest edition and addenda of Subsection IWE will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Adoption of the proposed amendment would permit the use of improved methods for containment inservice inspection.

Agency Contact: Wallace E. Norris, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3938**

RIN: 3150–AC93

3879. PRESSURIZED THERMAL SHOCK RULE

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The Pressurized Thermal Shock (PTS) Rule, published July 23, 1985, established a screening criterion, a limit on the degree of radiation embrittlement of PWR reactor vessel beltline materials beyond which operation cannot continue without additional plant-specific analysis. The rule prescribes how to calculate the degree of embrittlement as a function of the copper and nickel contents of the controlling material and the neutron fluence. The proposed amendment revises the calculative procedure to be consistent with that given in Revision 2 of Regulatory Guide 1.99. The guide provides an updated correlation of embrittlement data, which received CRGR approval for publication in final form on December 9, 1987.

The need to amend the PTS rule to be consistent with the guide became apparent when it was found that some medium-copper, high-nickel materials embrittlement is worse now than predicted using the PTS rule. A number of PWR's will reach the screening criterion sooner than previously thought, and three plants will need to make plant-specific analyses (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	06/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: in the next 10 years. Therefore, a high priority is being given to this effort.

An unacceptable alternative to this amendment from the safety standpoint is to leave the present PTS rule in place. The staff's plant-by-plant analyses found four plants whose reference temperatures are 52 to 68 degrees F higher than previously thought, based on the present rule. This is beyond the uncertainties that were felt to exist when the proposed rule was published. Another unacceptable alternative that has been evaluated is to change the calculative procedure for the reference temperature and also change the screening criterion. Failure probabilities for the most critical accident scenarios in three plants, when recalculated using the new embrittlement estimates, were somewhat lower, but were quite dependent on the plant configuration and the scenario chosen. Furthermore, the screening criterion was based on a variety of considerations besides the probabilistic analysis. Reopening the question of where to set the screening criterion was not considered productive because of plant-to-plant differences.

Agency Contact: Pryor N. Randall, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3842**

RIN: 3150–AD01

3880. ● CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (ASME CODE, 1986/1987 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would incorporate by reference the 1986 Addenda and 1987 Addenda to the 1986 Edition of Section III, Division 1, and

Section XI, Division 1, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code). In addition, an editorial revision is proposed that would separate the requirements for inservice testing from those for inservice inspection by placing the requirements for inservice testing in a separate paragraph. The ASME Code provides rules for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and provides rules for the inservice inspection and inservice testing of those components in Section XI, Division 1.

The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction, inservice inspection, and inservice testing of nuclear power plant components. Incorporating by reference the latest addenda of the ASME Code would save applicants applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
NPRM Comment Period End	12/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: staff could review any single submission.

This action will be handled as a routine updating of 10 CFR 50.55a of the NRC regulations. There is no reasonable alternative to rulemaking action. The proposed amendment will be issued for public comment. The task to develop and publish the proposed amendment is scheduled for a period of 7.5 months with an estimated staff effort of 400 p-hrs. This is a priority A rulemaking.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3848**

RIN: 3150–AD05

3881. ● MINOR AMENDMENTS TO PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 072; 10 CFR 073; 10 CFR 075

Legal Deadline: None

Abstract: The Safeguards Interoffice Review Group (SIRG) of the NRC has been conducting a systematic review of the agency's safeguards regulations and guidance documents. This review has identified areas in the regulations that are out of date, susceptible to differing interpretations, or in need of clarification. In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would: (1) limit the use of the 100 rems per hour at 3 feet dose exemption to a reduction of no more than one physical protection category and not allow a drop below the lowest category, (2) add definitions for common terms not currently defined by frequent use, (3) delete action dates that no longer apply, (4) correct outdated terms and cross references, (5) clarify wording that is susceptible to differing interpretations, (6) correct typographical errors, and (7) make other minor changes.(cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/89	
Final Action	04/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The alternative to rulemaking would be to allow the status quo to continue. Except for the change in the impact of a high radiation field on physical protection requirements, these minor amendments affect the public, industry and the NRC only in so far as they make the regulations easier to understand, implement, and enforce. Limiting the use of the 100 rem per hour at 3 feet dose exemption to a reduction of no more than one physical protection category, and not allowing a drop below the lowest category, could affect two non-power reactor licensees. It is estimated that 0.4 staff-years of NRC effort over 2 years will be required for the rulemaking. This is a low priority rulemaking.

Agency Contact: Stan Dolins, Nuclear Regulatory Commission, Washington, DC 20555, **301 492-3745**

RIN: 3150–AD03

3882. STORAGE OF SPENT NUCLEAR FUEL IN NRC APPROVED CASKS AT CIVILIAN NUCLEAR POWER REACTOR SITES

Legal Authority: 42 USC 10153; 42 USC 10198

CFR Citation: 10 CFR 72; 10 CFR 73; 10 CFR 74; 10 CFR 170

Legal Deadline: None

Abstract: The proposed rule is in response to the Nuclear Waste Policy Act (NWPA) section 218 (a) which states in part, that the Secretary of DOE shall establish a demonstration program, in cooperation with the private sector, for dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the Commission may, by rule, approve for use at sites of civilian nuclear power reactors. The NWPA also requires that the NRC establish procedures for the licensing of any technology approved by the Commission under section 218(a) for use at the site of any civilian nuclear power reactor.

The staff anticipates a significant increase in the demand for use of dry spent fuel storage casks starting in the early 1990s, thus processing of this proposed rule would be timely. NRC resource requirements are anticipated to be about two staff years.

Timetable:

Action	Date	FR Cite
NPRM	02/00/90	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AC76

NRC — Proposed Rule Stage

3883. ● NRC ACQUISITION REGULATION (NRCAR)

Legal Authority: 42 USC 2201; 41 USC 401

CFR Citation: 48 CFR 020

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's regulations to establish provisions unique to the NRC concerning the acquisition of goods and services. The NRC Acquisition Regulation is necessary to implement and supplement the government-wide Federal Acquisition Regulation. This action is necessary to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRC Acquisition Regulation implements the Federal Acquisition Regulation within the agency and includes additional policies, procedures, solicitation provisions, or contract clauses needed to meet specific NRC needs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ronald D. Thompson, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-9647

RIN: 3150–AC01

NUCLEAR REGULATORY COMMISSION (NRC) — Final Rule Stage

3884. RADIOACTIVE WASTE BELOW REGULATORY CONCERN; GENERIC RULEMAKING

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 2; 10 CFR 20

Legal Deadline: None

Abstract: The advance notice of proposed rulemaking (ANPRM) sought comments on a proposal to amend NRC regulations to address disposal of radioactive wastes that contain sufficiently low quantities of radionuclides that their disposal does not need to be regulated as radioactive.

The NRC has already published a policy statement providing guidance for filing petitions for rulemaking to exempt individual waste streams (August 29, 1986; 51 FR 30839). It is believed that generic rulemaking could provide a more efficient and effective means of dealing with disposal of wastes below regulatory concern. Generic rulemaking would supplement the policy statement which was a response to Section 10 of the Low-Level Radioactive Policy Amendments Act of 1985 (Pub. L. 99-240). The public was asked to comment on 14 questions. The ANPRM requested public comment on several alternative approaches that the NRC could take. The evaluation of public comment together with the results from a proposed research contract will help to determine whether and how NRC should proceed on the matter.

Timetable:

Action	Date	FR Cite
ANPRM	12/02/86	51 FR 43367
ANPRM Comment Period End	03/02/87	51 FR 43367

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Stanley Neuder, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3737

RIN: 3150–AC35

3885. LICENSEE ACTION DURING NATIONAL SECURITY EMERGENCY

Legal Authority: 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would allow a licensee during a national security emergency to deviate from a license condition or a technical specification. The Commission previously has granted authority to nuclear power reactor licensees to take reasonable action that departs from a license condition or a technical specification in an emergency when the action is immediately necessary to protect the public health and safety and no action consistent with license conditions and technical specifications that can provide adequate or equivalent protection is immediately apparent. This proposed rule will provide the same flexibility to licensees, but for the purpose of attaining national security objectives during a declared national emergency due to nuclear war or natural disaster.

The proposed rule change does not significantly impact state and local governments, health, safety, and the environment; or costs to licensees.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 27174
NPRM Comment Period End	08/18/88	53 FR 27174

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Joan Aron, Nuclear Regulatory Commission, Office of Assessment and Evaluation of Operational Data, Washington, DC 20555, 301 492-9001

RIN: 3150–AC83

3886. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would implement the Equal Access to Justice Act (EAJA) by providing for the payment of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications when the agency's position is determined not to have been

substantially justified. This proposed regulation is modeled after rules issued by the Administrative Conference of the United States (ACUS) and have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent to develop government-wide, "uniform" agency regulations and would describe NRC procedures and requirements for the filing and disposition of EAJA applications. A draft final rule was sent to the Commission in June 1982, but Commission action was suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. This issue was also the subject of litigation in Business and Professional People for the Public Interest v. NRC, 793 F. 2d 1366 (D.C. Cir. 1986). This litigation is being evaluated to determine what if any changes may be necessary in the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	46 FR 53189

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Additionally, in August 1985, the President signed into law an enactment renewing the EAJA after its expiration under a statutory sunset requirement. This legislation, Pub. L. No. 99-80 revises the EAJA, and these revisions are being evaluated to determine whether further conforming changes may be necessary in the proposed rule.

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AA01

3887. MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package.

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349
NPRM Comment Period End	06/29/81	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Karen D. Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1637**

RIN: 3150–AA05

3888. NEPA REVIEW PROCEDURES OR GEOLOGIC REPOSITORIES FOR HIGH-LEVEL WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 02; 10 CFR 51; 10 CFR 60

Legal Deadline: None

Abstract: The proposed rule would provide procedures for performing an environmental review of High Level Waste (HLW) geologic repositories. Part 51 contains no provisions for the environmental review of a license application for a HLW repository. The Nuclear Waste Policy Act of 1982 established requirements for environmental reviews which are at variance with the environmental reviews that the NRC performs in licensing other types of nuclear facilities. This issue must be addressed in order to avoid delay in the U.S. HLW Program. The proposed rule would benefit the public, industry, and NRC by clarifying licensing procedures, thus avoiding case determinations and possible litigation during HLW geologic repository licensing. Minor revisions to Part 60 will be necessary to conform to the environmental requirements of the NWPA.

Timetable:

Action	Date	FR Cite
NPRM	05/05/88	53 FR 16131
NPRM Comment Period End	08/03/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: James R. Wolf, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1641**

RIN: 3150–AC04

3889. ISSUANCE OR AMENDMENT OF POWER REACTOR LICENSE OR PERMIT FOLLOWING INITIAL DECISION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The proposed rule would amend the Commission's "immediate effectiveness" regulation that specifies when an initial adjudicatory decision authorizing the issuance or amendment of a license or permit becomes effective. The proposed rule would (1) remove the existing provision governing the effectiveness of initial decisions regarding power reactor construction permits and (2) revise the Commission's existing practice regarding "effectiveness reviews" for full-power operating licenses. The proposed rule also would delete language in the existing regulation emanating from Three Mile Island-related regulatory policies, for which action has now been completed.

The proposed rule supersedes two prior proposed rules entitled "Possible Amendments to 'Immediate Effectiveness' Rules," published May 22, 1980 (45 FR 43279), and "Commission Review Procedures for

Power Reactor Construction Permits; Immediate Effectiveness Rule," published October 25, 1982 (47 FR 47260).

Timetable:

Action	Date	FR Cite
NPRM	02/04/87	51 FR 3442
NPRM Comment Period End	05/06/87	51 FR 11475

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AC15

3890. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS--PROCEDURAL CHANGES IN HEARING PROCESS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission (NRC) is considering amendments to its rules of practice which address the following aspects of the hearing process: admission of contentions, discovery against NRC staff, use of cross examination plans, timing of motions for summary disposition and limitations on matters and issues that may be included in proposed findings of fact or conclusions of law, or in an appellate brief submitted by a person who does not have the burden of proof or who has only a limited interest in the proceeding. These proposals were initially developed by the Regulatory Reform Task Force and published for public comment, together with a number of other proposals, as suggestions for procedural changes in the licensing of nuclear power plants (49 FR 14698; April 12, 1984). The Commission has decided not to proceed with the April 1984 proposals, except to the extent that they were included in this proposed rule. Therefore, the April 1984 proposals have been deleted from the regulatory agenda.

The NRC is also considering related amendments on the process of intervention that were developed by former Commissioner (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/03/86	51 FR 24365
NPRM Comment Period End	10/17/86	51 FR 31340

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Asselstine. The staff is analyzing public comments received on the proposals and expects to forward a recommendation for the Commission's consideration.

Agency Contact: Karen D. Cyr, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1637**

RIN: 3150–AC22

3891. ● RULE ON THE SUBMISSION AND MANAGEMENT OF RECORDS AND DOCUMENTS RELATED TO THE LICENSING OF A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 002; 10 CFR 060

Legal Deadline: None

Abstract: The Nuclear Waste Policy Act (NWPA) provides three years for the NRC to reach a decision on construction authorization for a high-level waste repository. In order for the NRC to be able to make its decision within the allotted time, ready access to all pertinent records must be assured to all parties in the licensing proceeding. The DOE has committed to develop an electronic information management system to be used for the licensing proceeding. The NRC staff intends to use the process of negotiated rulemaking to develop a proposed rule that would revise the Commission's discovery procedure and motion practice in 10 CFR Part 2 for the high-level waste licensing proceeding. This rule would require the DOE license application and all supporting records to be provided in a standardized electronic format. All parties to the licensing proceeding would be required to submit all relevant data to this system. In turn, all parties would have access to the data base.

Resource estimates currently under development.

Timetable:

Action	Date	FR Cite
NPRM	11/03/88	53 FR 44411
NPRM Comment Period End	12/05/88	
Final Action	04/00/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1623**

RIN: 3150–AD02

3892. STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation that are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action; (cont)

NRC Final Rule Stage

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	45 FR 18023
NPRM	12/20/85	50 FR 51992
NPRM Comment Period End	10/31/86	

Next Action Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: delay for further guidance, and partial revision of the standards. These were rejected as ignoring scientific advancements, being unresponsive to international and national guidance, and correcting only some of the recognized problems with the present Part 20.

Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving the highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; and providing an understandable health-risk base for protection.

Initial estimates of the cost of implementing the revision is about $33 million for all NRC and Agreement State licensees in the initial year and about $8 million in each subsequent year. This cost does not include any savings which might also be realized by the revision.

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3640**

RIN: 3150–AA38

3893. DISPOSAL OF WASTE OIL BY INCINERATION FROM NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2167; 42 USC 2073

CFR Citation: 10 CFR 20

Legal Deadline: None

Abstract: The proposed rule, which is being initiated in partial response to a petition filed by Edison Electric Institute and Utility Nuclear Waste Management Group (PRM-20-15, dated July 31, 1984), would amend NRC regulations to allow onsite incineration of waste oil at nuclear power plants subject to specified conditions. Currently, the only approved disposal method for low-level, radioactively contaminated waste oil from nuclear power plants involves absorption or solidification, transportation to, and burial at a licensed disposal site. There is a clear need to allow, for very low activity level wastes, the use of alternative disposal methods which are more cost effective from a radiological health and safety standpoint and which conserve the limited disposal capacity of low-level waste burial sites.

Increased savings to both the public and the industry could thereby be achieved without imposing additional risk to the public health and safety. There would be an estimated industry-wide economic savings of approximately $3 million to $12 million per year if such a rule were promulgated. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/29/88	53 FR 32914
NPRM Comment Period End	10/28/88	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Alternatives to this rulemaking action are to maintain the status quo or to wait until the Environmental Protection Agency develops standards on acceptable levels of radioactivity which may be released to the environment on an unrestricted basis. It is estimated that approximately 1-2 person years of NRC staff time will be required to process this rule.

Agency Contact: Catherine R. Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3638**

RIN: 3150–AC14

3894. PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Legal Deadline: None

Abstract: This proposed rule would amend Part 21 and sec. 50.55(e), both of which require the reporting of safety defects by licensees. In addition, Part 21 requires reporting by non-licensees. This proposed amendment was prompted by TMI Action Plan Task II, J.4, and NRC staff experience with Part 21 and section 50.55 (e) reporting. The main objectives of the rulemaking effort are: (1) elimination of duplicate evaluation and reporting of safety defects; (2) consistent threshold for safety defect reporting in Part 21 and section 50.55(e); (3) establishment of consistent and uniform content of reporting under Part 21 and section 50.55 (e) and (4) establishment of consistent time limits for reporting defects.

Approximately 300 reports are submitted to the Commission annually under Part 21. Approximately 900 reports are submitted to the Commission annually under section 50.55 (e). These reports identify both plant-specific and generic safety defects for further NRC regulatory action. Under current rules, these reports have formed the basis for NRC issuance of numerous NRC generic communications. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/04/88	53 FR 44594
NPRM Comment Period End	01/03/89	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Alternatives to this rulemaking approach which were considered, varied from establishment of a single rule for all reporting of safety defects and operating reactors events to maintaining status quo for defect reporting. All alternatives were rejected since they would not substantially

improve the current safety defect reporting situation.

Current costs of reporting under Part 21 and section 50.55 (e) are estimated at $6.67 million annually for industry and $670,000 annually for NRC evaluations. It is anticipated that the annual industry reporting burden should be reduced by approximately $1.0 million; while NRC burden should remain the same. Additional industry burden, though minimal, is anticipated in the area of reissuing procedures for reporting and record keeping.

Agency Contact: William R. Jones, Nuclear Regulatory Commission, Office of Analysis and Evaluation of Operational Data, Washington, DC 20555, 301 492-4442

RIN: 3150–AA68

3895. FITNESS FOR DUTY PROGRAM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 26

Legal Deadline: None

Abstract: The proposed rule would create a new part to the Commission's regulations to require licensees authorized to operate nuclear power reactors to implement a fitness for duty program that will provide reasonable assurance that activities associated with nuclear power plant operations are carried out in an environment that is free from the effects of alcohol and drug abuse. The proposed rule provides for basic fitness for duty program elements such as the development of written policy and procedures, provisions for the training of supervisors and employees, standards for drug testing requirements for employee assistance programs, management actions, and appeal procedures.

The proposed rule represents the culmination of several years of effort in developing a fitness for duty program. On August 5, 1982, the Commission published a proposed rule (47 FR 33980). Based on comments received and staff analysis, final rulemaking was deferred and a policy statement was published on August 4, 1986 (51 FR 27921). On December 1, 1987, the Commission was briefed on the experiences gained to date under the policy statement and on the status of implementation. The Commission

Timetable:

Action	Date	FR Cite
NPRM	09/22/88	53 FR 36795
NPRM Comment Period End	11/21/88	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: then requested the staff to prepare a new proposed rule.

The estimated incremental cost to industry is between $160.7 million and $243.3 million for the life of the current plants. NRC costs to review and oversee implementation and operation of the programs will involve 6 staff persons for a cost between $4 million and $6 million for a 25-year period.

Agency Contact: Loren L. Bush, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-0944

RIN: 3150–AC81

3896. EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Legal Deadline: None

Abstract: The proposed rule would require about 30 fuel cycle and other radioactive materials licensees to submit an emergency plan that would, among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 2 milligrams (a chemical toxicity hazard).

Currently, the proposed requirements are, for the most part, required by order. However, the Commission decided that a regulation was needed for the long term. The cost of the rule to licensees was estimated to be between $26,000 and $73,000 per year per licensee. The cost to NRC was estimated to be $4,000 per year per licensee. The NRC will expend about 2 staff-years of effort to promulgate the rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	46 FR 29712
NPRM	04/20/87	52 FR 12921
NPRM Comment Period End	07/20/87	52 FR 12921

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Analysis: Regulatory Impact Analysis

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3918

RIN: 3150–AA41

3897. INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 02

Legal Deadline: None

Abstract: This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. There are no reasonable alternatives to rulemaking for implementing these informal hearing procedures. The procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

Timetable:

Action	Date	FR Cite
NPRM	05/29/87	52 FR 20089
NPRM Comment Period End	08/28/87	52 FR 27821

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Paul Bollwerk, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1634**

RIN: 3150–AB83

3898. SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC EQUIPMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 34

Legal Deadline: None

Abstract: The proposed rule would amend the present regulations to establish performance standards for industrial radiography exposure devices. Overexposures of radiographers (and occasionally the general public) are more than double that of other radiation workers and have been a concern to the NRC for some time. Approximately 25-35% of the radiography overexposures are associated with equipment malfunction. The issue of safety requirements for these devices is a primary concern since the devices use relatively high intensity, high energy gamma-ray emitting sources with the potential for serious overexposures. Although a consensus standard for radiographic exposure devices was published in 1981 (American National Standard N432), it is not clear that all manufacturers are adopting the standard.

The alternatives considered were to take no action at this time, amend the regulations to require performance standards for radiographic devices plus a requirement for radiographers to wear alarm dosimeters and simultaneously issue a regulatory guide endorsing the consensus standard, supplemented by such other performance standards deemed necessary, and incorporate (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/15/88	53 FR 8460
NPRM Comment Period End	08/16/88	53 FR 18096
Final Action	04/00/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: the consensus standard by reference in the regulations supplemented by such other performance standards as deemed necessary, plus a requirement for radiographers to wear alarm dosimeters.

The proposed rule would require licensees to modify radiographic devices to meet the performance standards through design changes and quality control procedures. Costs of incorporating the proposed changes are estimated to be a one-time cost of $1,625 per licensee to purchase alarm dosimeters and $850 annually for replacement of devices and alarm dosimeters, annual calibration of dosimeters, and annual maintenance costs. Determination of the benefits to be derived from the proposed rule are difficult to determine on a monetary basis, but the potential hazards that might be averted include radiation sickness, injury, and even death. NRC resources required for processing this rule to final publication are estimated to be 0.4 person-years.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3628**

RIN: 3150–AC12

3899. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized.

The revision is urgently needed to resolve continuing conflicts between licensees and NRC inspectors over interpretations, current regulatory practice that is no longer being reflected accurately by the existing rule, and endorsement in the existing regulation of an obsolete national standard that was replaced in 1981.

The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss-of-coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/29/86	51 FR 39538
NPRM Comment Period End	04/24/87	52 FR 2416

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

A detailed analysis of costs, benefits, and occupational exposures is available in the NRC Public Document Room, and indicates possible savings to industry of $14 million to $300 million and an increase in occupational exposure of less than 1 percent per year per plant due to increased testing.

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3945**

RIN: 3150–AA86

3900. EDUCATION AND EXPERIENCE REQUIREMENTS FOR SENIOR REACTOR OPERATORS AND SUPERVISORS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50; 10 CFR 55

Legal Deadline: None

Abstract: The Commission is considering an amendment to its regulations to require that applicants for a senior operator license of a nuclear power plant hold a bachelor's degree in engineering, engineering technology, or physical science from an accredited institution four years after the effective date of this rule. Other bachelor's degrees from an accredited institution may be accepted on a case-

by-case basis. This contemplated rulemaking action is due to a Commission decision to enhance the levels of engineering and accident management expertise on shift.

The Commission will also issue policy statement concurrently with this rule related to utility implementation of an accredited degree program for reactor operators.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/86	51 FR 19561
ANPRM Comment Period End	09/29/86	
NPRM	12/29/88	53 FR 52716
NPRM Comment Period End	02/27/89	
Final Action	07/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Morton Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3794**

RIN: 3150–AC26

3901. FLOW CONTROL CONDITIONS FOR THE STANDBY LIQUID CONTROL SYSTEM IN BOILING WATER REACTORS

Legal Authority: 42 USC 2136

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The proposed rule would clarify the Commission's regulations pertaining to boiling water reactors (BWR). The current regulations require that all boiling water reactors must have a standby liquid control system (SLCS) with a minimum flow capacity and boron content equivalent in control capacity to 86 gallons per minute (gpm) of 13 weight percent of sodium pentaborate solution. In January 1985, a generic letter was issued to all appropriate licensees that provided clarification of the phrase "equivalent in control capacity" contained in 10 CFR 50.62 (c) (4). This letter provided the basis for the flow and weight percent of sodium pentaborate decahydrate requirements and described how equivalency could be achieved for smaller plants. The NRC staff considers the contents of the generic letter to be technically correct and desires that this position be established in the regulations.

This proposed rule would clarify a Commission regulation; thus no other procedure is appropriate. The technical proposals in the rule were analyzed for safety as part of the original rulemaking procedure, although they were not specifically mentioned. (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/24/88	53 FR 41607
NPRM Comment Period End	12/23/88	
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This rule will not adversely affect the health and safety of the public.

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3764**

RIN: 3150–AC72

3902. ENSURING THE EFFECTIVENESS OF MAINTENANCE PROGRAMS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 050

Legal Deadline: None

Abstract: The proposed rule would provide functional requirements for the maintenance of nuclear power plants and allow industry initiatives to develop the details of maintenance programs to meet such requirements. The proposed rule would apply to all components, systems and structures of nuclear power plants and wold be applicable to existing and future plants. The proposed rule would also require each licensee to develop, implement and maintain a maintenance program, and to formally commit to follow the program.

The scope of maintenance activities addressed in the rule will be within the framework of the Commission's Policy Statement on Maintenance of Nuclear Power Plants which was issued on March 23, 1988 (53 FR 9430).

It is estimated that about 3 staff-years of effort and $600,000 for contract services will be required to process the final rule.

Timetable:

Action	Date	FR Cite
NPRM	11/28/88	53 FR 47822
NPRM Comment Period End	01/27/89	
Final Action	06/15/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Moni Dey, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3730**

RIN: 3150–AD00

3903. TABLES S-3 AND S-4, ADDITION OF RADON-222 AND TECHNETIUM-99 RADIATION VALUES, AND ADDITION OF APPENDIX B, "TABLE S-3 EXPLANATORY ANALYSIS"

Legal Authority: 42 USC 2011; 42 USC 2201; 42 USC 4321; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 51

Legal Deadline: None

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The proposed rule amends Section 51.52 to modify the enrichment value of U-235 and the maximum level of average fuel irradiation. The narrative explanation also addresses important fuel cycle impacts and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings, thus reducing litigation time and costs for both NRC and applicants.

The proposed revision of 10 CFR 51.51 and the addition of Appendix B was published for public review and comment on March 4, 1981 (46 FR 15154). The final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et

al. v. NRC, No. 74-1486) in the U.S. Circuit) decision of (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	46 FR 15154
Final Action	02/00/90	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: April 27, 1982, invalidated the entire Table S-3 rule. The Supreme Court reversed this decision on June 6, 1983. The proposed rule to provide an explanatory analysis for Table S-3 has been revised to reflect new developments during the time the rulemaking was deferred. Final action on the Table S-3 rule was held in abeyance until new values for radon-222 and technetium-99 could be added to the table and covered in the narrative explanation. The rule is being reissued as a proposed rule because the scope has been expanded to include radiation values for radon-222 and technetium-99 and the narrative explanation has been extensively revised from that published on March 4, 1981 (46 FR 15154).

The staff's estimate is that the completion of a final Table S-3 rule covering the new values for radon-222 and technetium-99 and the revised explanatory analysis will be completed in 1989. A Commission paper presenting the final rulemaking plan and schedule was submitted on August 18, 1986 (SECY 86-242). On September 8, 1986, SECY 86-242 was approved by the Commission.

Agency Contact: Stanley Turel, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3739**

RIN: 3150–AA31

3904. EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 4842; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 52

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission is considering adding a new part to its regulations to improve the reactor licensing process. The proposed rule would provide for the issuance of early site permits, standard design certifications, and combine construction permits and conditional operating licenses for nuclear power reactors. The proposed action is intended to achieve the early resolution of licensing issues, thereby enhancing the safety and reliability of nuclear power plants, and reducing the complexity and uncertainty of the licensing process. Early resolution of licensing issues should afford public participation in the licensing process an earlier entry into that process. They are designed to implement as much of the Commission's proposed "Nuclear Power Plant Standardization and Licensing Act of 1987" as is permissible under its existing statutory authority. The proposed legislation is based on an earlier proposal that was developed by the Commission's Regulatory Reform Task Force.

Timetable:

Action	Date	FR Cite
NPRM	08/23/88	53 FR 32060
NPRM Comment Period End	10/24/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Steven Crockett, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-6100**

RIN: 3150–AC61

3905. ELIMINATION OF INCONSISTENCIES BETWEEN NRC REGULATIONS AND EPA STANDARDS

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 60

Legal Deadline: None

Abstract: The Nuclear Waste Policy Act of 1982 (NWPA) directs NRC to promulgate criteria for the licensing of high-level waste (HLW) geologic repositories. Section 121(c) of this act states that these criteria must be consistent with standards to be developed by EPA for the disposal of HLW in deep geologic repositories. The proposed rule is needed in order to eliminate several inconsistencies with the EPA standards, thus fulfilling the statutory requirement.

Because the NWPA directs NRC to eliminate inconsistencies between Part 60 and the EPA standard, the alternatives to the proposed action are limited by statute.

The public, industry, and NRC will benefit from eliminating inconsistencies in Federal HLW regulations. NRC resources needed would be several staff years but will not include contract resources.

Because the Federal Court invalidated the EPA standards, action on this rule, which is in response to the EPA standards, is undetermined.

Timetable:

Action	Date	FR Cite
NPRM	06/19/86	51 FR 22288
NPRM Comment Period End	08/18/86	51 FR 22288

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Melvin Silberberg/Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3810**

RIN: 3150–AC03

3906. DISPOSAL OF RADIOACTIVE WASTES

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 61

Legal Deadline: None

Abstract: The Commission instructed the staff to analyze the need to revise the definition of high-level radioactive waste (HLW) in Part 60 to conform with the definition in the Nuclear Waste Policy Act (NWPA). An ANPRM was published on February 27, 1987 (52 FR 5992), which recommended a revision based either wholly or partially on concentrations of radionuclides in the waste. After assessing the public comments on the ANPRM, and also taking into account recent information, the staff is now recommending against any revision of the definition of HLW. Instead, amendments to Part 61 are being recommended that would require geologic repository disposal of all above-Class C low-level radioactive

waste (LLW) unless an alternative has been approved by the Commission. This would accomplish the objective of establishing suitable disposal requirements for radioactive waste with a minimal impact on cost burdens.

Alternatives are (1) revise the definition of HLW so that additional above Class C LLW is reclassified as HLW; or (2) proceed to develop a waste classification system like that outlined in the ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	02/27/87	52 FR 5992
ANPRM Comment Period End	06/29/87	52 FR 16403
NPRM	05/18/88	53 FR 17709
NPRM Comment Period End	07/18/88	53 FR 17709
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information:

The public and industry would benefit from this clarification of waste disposal options for above Class C LLW. NRC staff time for preparing this rulemaking is estimated to be two-staff years.

Agency Contact: Melvin Silberberg/Clark Prichard, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3810

RIN: 3150–AB89

3907. TRANSPORTATION REGULATIONS: COMPATIBILITY WITH THE INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Legal Deadline: None

Abstract: The proposed rule, would in conjunction with a corresponding rule change by the U.S. Department of Transportation, make the United States Federal regulations for the safe transportation of radioactive material consistent with those of the International Atomic Energy Agency (IAEA). The IAEA regulations can be found in IAEA Safety Series No. 6 "Regulations for the Safe Transport of Radioactive Material," 1985 Edition.

Consistency in transportation regulations throughout the world facilitates the free movement of radioactive materials between countries for medical, research, industrial, and nuclear fuel cycle purposes. Consistency of transportation regulations throughout the world also contributes to safety by concentrating the efforts of the world's experts on a single set of safety standards and guidance (those of the IAEA) from which individual countries can develop their domestic regulations. Perhaps as important, the accident experience of every country that bases its domestic regulations on those of the IAEA can be applied by every other country with consistent regulations to improve its safety program. The action will be handled as a routine (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/88	53 FR 21550
NPRM Comment Period End	03/06/89	53 FR 51289

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: updating of NRC transportation regulations. There is no reasonable alternative to rulemaking action. These changes should result in a minimal increase in costs to affected licensees. Proposed changes to 10 CFR Part 71, based on current IAEA regulations, have been issued for public comment. The task will be scheduled over a 2-year interval ending June 1989 and will consume 2-3 staff years of effort, depending on the number and difficulty of conflicts to be resolved.

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3784

RIN: 3150–AC41

3908. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The final rule will revise the Extraordinary Nuclear Occurrence (ENO) criteria to eliminate the problems that were encountered in the Three Mile Island ENO determination. It is desirable to get revised criteria in place in the event they are needed.

There are no alternatives to this rulemaking, as the current ENO criteria are already embodied in Subpart E of 10 CFR Part 140. The only way to modify these criteria, as this rule seeks to do is through rulemaking.

There is no safety impact on public health or safety. The ENO criteria provide legal waivers of defenses. Industry (insurers and utilities) claims that a reduction in the ENO criteria could cause increases in insurance premiums. The final rule would also be responsive to PRM-140-1.

It is estimated that approximately 1 staff year of NRC time will be required to process the final rule. No contract funding is anticipated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/85	50 FR 13978
NPRM Comment Period End	09/06/85	50 FR 13978
Final Action	05/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 492-3738

RIN: 3150–AB01

3909. ● FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS; MISCELLANEOUS AMENDMENTS NECESSITATED BY CHANGES IN THE PRICE-ANDERSON ACT

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The proposed rule would implement the statutory requirements of the Price-Anderson Act of 1988. The proposed rule would amend NRC regulations to coincide, as statutorily required, with the increase in the level

of the primary layer of insurance provided by private nuclear liability insurance pools. The proposed changes would provide additional insurance to pay public liability claims arising out of a nuclear incident. Because this rule is necessary to implement the recent statutory requirement of the Price Anderson Amendments Act of 1988, there is no suitable alternative to rulemaking for this action.

Timetable:

Action	Date	FR Cite
NPRM	12/20/88	53 FR 51120
NPRM Comment Period End	01/04/89	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ira Dinitz, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1289**

RIN: 3150–AD08

3910. REASSERTING NRC'S SOLE AUTHORITY FOR APPROVING ONSITE LOW-LEVEL WASTE DISPOSAL IN AGREEMENT STATES

Legal Authority: 42 USC 2201; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 150

Legal Deadline: None

Abstract: This rulemaking would establish NRC's sole authority for approving onsite disposal of low-level waste at all NRC licensed reactors and at Part 70 fuel cycle facilities. There is a need to amend 10 CFR 150.15 to authorize one agency (the NRC) to regulate all onsite disposal of low-level waste in order to provide a more comprehensive regulatory review of all onsite waste management activities and to avoid unnecessary duplication of effort. Uniform review by the NRC will provide for greater assurance that the radioactive material will not present a health hazard at a later date after the site is decommissioned.

Timetable:

Action	Date	FR Cite
NPRM	08/22/88	53 FR 31880
NPRM Comment Period End	10/21/88	
Final Action	06/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John Stewart, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3618**

RIN: 3150–AC57

3911. DEBT COLLECTION PROCEDURES

Legal Authority: 31 USC 3711; 31 USC 3717; 31 USC 3718; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 15

Legal Deadline: None

Abstract: The proposed rule would amend the regulations concerning the procedures that the NRC uses to collect the debts which are owed to it. The proposed amendments are necessary to conform NRC regulations to the amended procedures contained in the Federal Claims Collection Standards issued by the General Accounting Office and the U.S. Department of Justice. The proposed action is intended to allow the NRC to further improve its collection of debts due to the United States. Because the proposed regulation is necessary to implement the Debt Collection Act of 1982, there is no suitable alternative to rulemaking for this action. No comments were received on the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	10/07/88	53 FR 39480
NPRM Comment Period End	11/21/88	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Graham D. Johnson, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7535**

RIN: 3150–AC87

3912. EXTENSION OF TIME FOR THE IMPLEMENTATION OF THE DECONTAMINATION PRIORITY AND RELATIONSHIP PROVISIONS OF PROPERTY INSURANCE REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission proposes to amend the implementation schedule or the decontamination priority and trusteeship provisions of its property insurance regulations continued in 10 CFR 50.54(w)(5)(i) to change the effective date from October 4, 1988 to April 1, 1990. This delay in implementation is necessary because the insurers that offer property insurance for power reactors have informed the Commission that they will be unable to include the decontamination priority and trusteeship provisions in their policies within the time currently provided by 10 CFR 50.54(w). Concurrently, the extension of the effective date of the rule will allow the NRC to consider recently submitted petitions for rulemaking that propose changes to improve the efficacy of the NRC's decontamination priority and trust provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/19/88	53 FR 36338
NPRM Comment Period End	10/19/88	
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1280**

RIN: 3150–AC94

3913. ● FREEDOM OF INFORMATION ACT; APPEAL AUTHORITY FOR DEPUTY EXECUTIVE DIRECTOR FOR OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 009

Legal Deadline: None

NRC — Final Rule Stage

Abstract: The Nuclear Regulatory Commission is amending its regulations to reflect the recent reorganization within the Office of the Executive Director for Operations. This amendment will permit a Deputy Executive Director for Operations to respond to appeals in lieu of the Executive Director for Operations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7211

RIN: 3150–AD14

3914. ● ACCESS TO SAFEGUARDS INFORMATION

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 073

Legal Deadline: None

Abstract: This final rule would amend the Commission's requirements for access to Safeguards Information to conform with a provision of Pub. L. 99-399, "The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986." The provision of the law requires nuclear power reactor licensees and applicants to conduct Federal Bureau of Investigation criminal history checks of certain individuals with access to information protected as Safeguards Information. This technical amendment cross references 10 CFR 73.21 and 10 CFR 73.57 with respect to individuals authorized access to safeguards information by power reactor applicants and licensees. Since this amendment contains no new requirements and has been developed solely to achieve internal consistency between NRC regulations and Federal law, notice of proposed rulemaking and public procedures thereon are unnecessary under 5 U.S.C. 553.

Timetable:

Action	Date	FR Cite
Final Action	05/08/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Mark L. Au, Nuclear Regulatory Commission, Washington, DC 20555, 301 492-3749

RIN: 3150–AD12

NUCLEAR REGULATORY COMMISSION (NRC) — Completed Actions

3915. ● REORGANIZATION OF FUNCTIONS WITHIN THE OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT AND MINOR CORRECTIVE AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 001; 10 CFR 002; 10 CFR 009; 10 CFR 055; 10 CFR 073

Legal Deadline: None

Abstract: The final rule codified nomenclature changes required by a reorganization of NRC staff activities within the Office of Administration and Resources Management. The amendments were necessary to reflect the reorganization of functions reporting to the Deputy Director for Administration. The final rule informed the public of the administrative changes to NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/30/88	53 FR 52993
Final Action Effective	12/30/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-7211

RIN: 3150–AD09

3916. LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUEL AND HIGH- LEVEL RADIOACTIVE WASTES

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

Legal Deadline: None

Abstract: The final rule revised existing regulations to establish specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). The revision will ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program. Paragraph (d) of Section 141 of the NWPA requires that any monitored retrievable storage installation pursuant to Section 141 shall be subject to licensing by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in unnecessary delay in reviewing a license application if Congress authorizes construction of an MRS.

There is no appropriate alternative to rulemaking, the vehicle used by NRC to establish its licensing procedures.

Timetable:

Action	Date	FR Cite
NPRM	05/27/86	51 FR 19106
NPRM Comment Period End	08/25/86	51 FR 21560
Final Action	08/19/88	53 FR 3165
Final Action Effective	09/19/88	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

The basic requirements for storage of spent fuel in an independent spent fuel storage installation currently codified in 10 CFR Part 72 are not being changed, thus no incremental impact on NRC,

industry, or the health and safety of the public is anticipated.

Agency Contact: Keith Steyer/Charles Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3824**

RIN: 3150–AB70

3917. ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEM (ECCS) FOR LIGHT WATER NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2132; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2282; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The final rule amends regulations concerning acceptance criteria for emergency core cooling systems (ECCS) by allowing the use of realistic methods to demonstrate that an ECCS would protect the nuclear reactor core during a loss-of-coolant accident.

Use of the realistic evaluation model may result in up to a 5 percent power upgrade for some plants. The present value of energy replacement cost savings resulting from a potential upgrade has been estimated to range between $5 and $127 million, depending on the location and age of a specific plant.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	43 FR 57157
NPRM	03/03/87	52 FR 6334
NPRM Comment Period End	07/17/87	52 FR 6334
Final Action	09/16/88	53 FR 35996
Final Action Effective	10/17/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Harry Tovmassian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3566**

RIN: 3150–AA44

3918. ALTERNATIVE METHODS FOR LEAKAGE RATE TESTING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission has amended its regulations to clarify a question of interpretation in regard to leakage testing of containments of light-water cooled nuclear power plants. This amendment explicitly permits the continued use of a statistical data analysis technique that the NRC has considered to be an acceptable method of calculating containment leakage rates.

Timetable:

Action	Date	FR Cite
NPRM	02/29/88	53 FR 5985
NPRM Comment Period End	03/30/88	
Final Action	11/15/88	53 FR 45890
Final Action Effective	11/15/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: E. Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3945**

RIN: 3150–AC54

3919. LICENSEE ANNOUNCEMENT OF INSPECTORS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission has amended its regulations to ensure that the presence of NRC inspectors on power reactor sites is not announced to licensee and contractor personnel without the expressed request to do so by the inspector. This change will allow the NRC inspector, who is badged at the facility, to observe ongoing activities as they are being performed without licensee or contractor personnel having advance notice of the inspection.

Timetable:

Action	Date	FR Cite
NPRM	03/18/88	53 FR 8924
NPRM Comment Period End	04/18/88	53 FR 8924
Final Action	10/25/88	53 FR 42939
Final Action Effective	10/25/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: George Barber, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1296**

RIN: 3150–AC73

3920. CRITERIA AND PROCEDURES FOR EMERGENCY ACCESS TO NON-FEDERAL AND REGIONAL LOW-LEVEL WASTE DISPOSAL FACILITIES

Legal Authority: 42 USC 2021

CFR Citation: 10 CFR 62

Legal Deadline: None

Abstract: The final rule established procedures and criteria for fulfilling NRC's responsibilities associated with action on requests by low-level radioactive waste generators, or State officials on behalf of those generators, for emergency access to operating non-Federal or regional low level radioactive waste disposal facilities under Section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA). Section 6 of the LLRWPAA authorizes the NRC to grant emergency access to any non-Federal low-level waste disposal facility, if necessary, to eliminate the immediate and serious threat to the public health and safety of the common defense and security, provided the threat cannot be mitigated by any alternative.

Timetable:

Action	Date	FR Cite
NPRM	12/15/87	52 FR 47578
NPRM Comment Period End	02/12/88	52 FR 47578
Final Action	02/03/89	54 FR 5409
Final Action Effective	03/06/89	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Undetermined

Agency Contact: Janet Lambert, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3857**

RIN: 3150–AC24

3921. ● CENTRALIZATION OF MATERIAL CONTROL AND ACCOUNTING RESPONSIBILITIES FOR NON-REACTOR FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 074

Legal Deadline: None

Abstract: The rule amended 10 CFR Parts 70 and 74 to reflect a phased centralization in NRC Headquarters of Regional Material Control and Accounting (MC&A) inspection and 10 CFR 70.32(c) licensing reviews for non-reactor facilities. This centralization was needed because the relatively small annual workload requirements for these functions in a majority of Regions foreclose the possibility of maintaining within each Region the full spectrum of the knowledge, skills and discipline needed for these activities. Centralization in Headquarters will assure the maintenance of a viable and adequate national MC&A inspection program for non-reactor facilities. Nationwide, there are sixteen non-reactor facilities that require MC&A inspections (10 fuel cycle and 6 others). Transfer of MC&A functions from Regions I, III, and V to the Division of Safeguards and Transportation/NMSS is planned to be effective by December 2, 1988. The Region II MC&A program for non-reactor facilities will be phased-out through attrition or over a two-year period, whichever occurs first. Region IV has no affected facilities.

Timetable:

Action	Date	FR Cite
Final Action	02/15/89	54 FR 6876
Final Action Effective	02/15/89	

Small Entities Affected: None

Government Levels Affected: None

Additional Information:

The 10 CFR 70.32(c) licensing reviews will also be centralized in SGTR/NMSS at the same time the MC&A inspection functions are transferred.

Agency Contact: Stan Dolins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3745**

RIN: 3150–AD07

3922. SAFEGUARDS REQUIREMENTS FOR FUEL FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2167; 41 USC 2201; 42 USC 5841; 42 USC 5844

CFR Citation: 10 CFR 73

Legal Deadline: None

Abstract: In a staff requirements memorandum dated June 8, 1987, the Commission directed the staff to publish a proposed rule within 120 days that would implement improved safeguards requirements based on the findings of a review team that compared DOE and NRC safeguards programs (SECY 87-28; CNSI). Primary focus was in the following areas: (1) security system performance evaluations, (2) night firing qualifications for guards, (3) 100 percent entrance searches, (4) armed guards at material access area control points, (5) two protected area fences, and (6) revision of the design basis threat.

Timetable:

Action	Date	FR Cite
NPRM	12/31/87	52 FR 49418
NPRM Comment Period End	03/30/88	52 FR 49418
Final Action	11/10/88	53 FR 45447
Final Action Effective	12/12/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Dr. Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AC62

3923. RESTRICTIONS AGAINST OWNERSHIP OF CERTAIN SECURITY INTERESTS BY MEMBERS OF ADVISORY COMMITTEE ON NUCLEAR WASTE; GIFTS, ENTERTAINMENT, AND FAVORS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 0

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission amended its regulations governing the ownership by NRC employees of stocks, bonds, and other security interests in companies that fall within any one of five reactor-related or fuel cycle-licensed categories. The group of affected employees now includes those special Government employees who serve as members of the Advisory Committee on Nuclear Waste. The Commission also amended its regulations on acceptance of gifts, entertainment, and favors to permit acceptance of travel expenses from an otherwise prohibited source when proffered in connection with a job interview and to permit acceptance of food and refreshments at widely-attended events sponsored by certain groups whose membership is composed of prohibited sources.

Timetable:

Action	Date	FR Cite
Final Action	09/13/88	53 FR 35301
Final Action Effective	09/13/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Susan Fonner, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1632**

RIN: 3150–AC92

3924. RELOCATION OF NRC'S PUBLIC DOCUMENT ROOM; OTHER MINOR NOMENCLATURE CHANGES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 2; 10 CFR 7; 10 CFR 9; 10 CFR 15; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 30; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 53; 10 CFR 55; ...

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission has amended its regulations to indicate that its Public Document Room has moved to a new location in the District of Columbia. The hours remain unchanged: 7:45 a.m. to 4:15 p.m. weekdays. These amendments are being made to inform NRC licensees and members of the public of this relocation. This rule also makes minor changes in NRC

organization nomenclature to reflect new internal organizational titles.

Timetable:

Action	Date	FR Cite
Final Action	10/27/88	53 FR 43419
Final Action Effective	10/27/88	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Donnie H. Grimsley, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7211**

RIN: 3150–AC89

3925. REVISION OF FEE SCHEDULES

Legal Authority: 31 USC 9701; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 170; 10 CFR 171

Legal Deadline: None

Abstract: The final rule revised the fees charged for licensing services provided by the NRC and charged to persons who operate nuclear power reactors. The effect of this revision was to (1) remove fee ceilings, increase the amount charged for a license application, and revise the flat fees set out in part 170; (2) revise the hourly rate for NRC professional time spent providing various regulatory services; (3) increase the ceiling on annual charges; (4) add a deadline for filing exemptions to 10 CFR 171.11; and (5) include monies from the Department of Energy High-Level Waste Fund. Because the regulation is necessary to implement the most recent fee legislation enacted by Congress, there is no suitable alternative to rulemaking for these actions. All applicants and licensees that are currently subject to fees collections under the current regulations are affected by the final rule.

Timetable:

Action	Date	FR Cite
NPRM	06/27/88	53 FR 24077
NPRM Comment Period End	07/27/88	
Final Action	12/29/88	53 FR 52632
Final Action Effective	01/30/89	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: H. Lee Hiller, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7351**

RIN: 3150–AC80

3926. RULE ON THE SUBMISSION AND MANAGEMENT OF RECORDS AND DOCUMENTS RELATED TO THE LICENSING OF A GEOLOGIC REPOSITORY FOR THE DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 2; 10 CFR 60

Legal Deadline: None

Abstract: The Nuclear Waste Policy Act (NWPA) provides three years for the NRC to reach a decision on construction authorization for a high level waste repository. In order for the NRC to be able to make its decision within the allotted time, ready access to all pertinent records must be assured to all parties in the licensing proceeding. The DOE has committed to develop an electronic information management system to be used for the licensing proceeding. The NRC staff intends to use the process of negotiated rulemaking to develop a proposed rule that would revise the Commission's discovery procedure and motion practice in 10 CFR Part 2 for the high level waste licensing proceeding. This rule would require the DOE license application and all supporting records to be provided in a standardized electronic format. All parties to the licensing proceeding would be required to submit all relevant data to this system. In turn all parties would have access to the data base.

Resource estimates currently under development.

Timetable:

Action	Date	FR Cite
See description. This rule is now being tracked under RIN AD02.	01/13/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Francis Cameron, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **301 492-1623**

RIN: 3150–AC44

3927. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERAL ASSISTED PROGRAMS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 4

Legal Deadline: None

Abstract: The proposed rule would amend regulations concerning the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in Federally assisted programs or activities to include a cross reference to the Uniform Federal Accessibility Standards (UFAS).

Timetable:

Action	Date	FR Cite
Withdrawn	03/30/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged Business Utilization /Civil Rights, Washington, DC 20555, **301 492-7697**

RIN: 3150–AC64

3928. EMERGENCY PLANNING AND PREPAREDNESS REQUIREMENTS FOR NUCLEAR POWER PLANT FUEL LOADING AND INITIAL LOW-POWER OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Legal Deadline: None

Abstract: The Nuclear Regulatory Commission has amended its regulations to establish more clearly what emergency planning and preparedness requirements are needed for fuel loading and low-power operation of nuclear power plants, current rules provide for a finding prior to fuel loading and low-power on the licensee's plans and state of preparedness for dealing with accidents that could affect persons onsite. Current rules also provide that no finding regarding the planning or preparedness of offsite agencies for dealing with

accidents that could affect persons offsite is required at this stage. The Commission is not proposing to change these aspects of the current rules. However, practice under the current rule has been to consider also, as part of review of licensees' plans, certain offsite elements of those plans that seem unnecessary for low-power operation in view of the low degree of risk posed to offsite persons by fuel loading and low-power operation (up to 5 percent of rated power). It is the purpose of this proposed rulemaking to consider whether this practice should be discontinued or modified. Specifically, the (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/09/88	53 FR 16435
NPRM Comment Period End	06/23/88	53 FR 19930
Final Action	09/23/88	53 FR 36955
Final Action Effective	10/24/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: Commission is considering amending Section 50.47(d) to include, as prerequisites for low-power operation, seven standards with offsite aspects that are believed to be appropriate for fuel loading and low-power operation. The capability for prompt notification of the surrounding populace (as distinct from the capacity to keep offsite emergency planning agencies informed promptly of plant accidents) is not included in the rule as a requirement for fuel loading and low-power operations. Nothing in this proposed rule is intended to change the emergency planning standards that must be satisfied before operations are at full power.

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC20555, **301 492-3918**

RIN: 3150–AC86

3929. FACILITY FORM NUCLEAR LIABILITY INSURANCE POLICY; MISCELLANEOUS AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 140

Legal Deadline: None

Abstract: The NRC has amended its regulations by making several minor changes in the Facility Form nuclear liability insurance policy furnished as evidence of financial protection. The two nuclear insurance pools have submitted endorsements to the Facility Form policy that make available a single insurance policy to cover onsite worker claims. This new Master Worker Policy reflects different rating and underwriting treatment than is utilized in the Facility Form policy. The supplementary insurance provided by the new policy enhances protection to the public since payments under its provisions for routine claims by onsite nuclear workers will not reduce the financial protection for the public under the primary and secondary nuclear liability insurance policies provided as evidence of financial protection under the Price-Anderson Act.

Timetable:

Action	Date	FR Cite
NPRM	04/27/88	53 FR 15049
NPRM Comment Period End	05/27/88	53 FR 15049
Final Action	08/18/88	53 FR 31282
Final Action Effective	09/19/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ira Dinitz, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-1289**

RIN: 3150–AC82

3930. MINOR AMENDMENTS TO PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 070; 10 CFR 072; 10 CFR 073; 10 CFR 075

Legal Deadline: None

Abstract: The Safeguards Interoffice Review Group (SIRG) of the NRC has been conducting a systematic review of the agency's safeguards regulations and guidance documents. This review has identified areas in the regulations that are out of date, susceptible to differing interpretations, or in need of clarification. In addition, the staff has identified other areas in the regulations where minor changes are warranted. In response to these efforts, specific amendments to the regulations are being proposed. The proposed changes would (1) limit the use of the 100 rems per hour at 3 feet dose exemption to a reduction of no more than one physical protection category and not allow a drop below the lowest category, (2) add definitions for common terms not currently defined by frequent use, (3) delete action dates that no longer apply, (4) correct outdated terms and cross references, (5) clarify wording that is susceptible to differing interpretations, (6) correct typographical errors, and (7) make other minor changes. (cont)

Timetable:

Action	Date	FR Cite
This rule is now being tracked under RIN AD03.	02/13/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: The alternative to rulemaking would be to allow the status quo to continue. Except for the change in the impact of a high radiation field on physical protection requirements, these minor amendments affect the public, industry, and the NRC only in so far as they make the regulations easier to understand, implement, and enforce. Limiting the use of the 100 rem per hour at 3 feet dose exemption to a reduction of no more than one physical protection category, and not allowing a drop below the lowest category, could affect two non-power reactor licensees. It is estimated that 0.4 staff-years of NRC effort over 2 years will be required for the rulemaking. This is a low priority rulemaking.

Agency Contact: Stan Dolins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3745**

RIN: 3150–AC96

3931. DELETION OF PART 11 REQUIREMENT FOR RENEWAL OF "R" CLEARANCES

Legal Authority: 42 USC 2201(i); 42 USC 5841

CFR Citation: 10 CFR 11

Legal Deadline: None

Abstract: This rule is terminated due to changes and potential changes in the NRC and DOE access authorization program. The current regulations require licensees to renew "R" clearances every 5 years. This level of clearance corresponds to the "L" clearances used by NRC and DOE which do not require renewal. Because of this equivalence, the renewal requirement for the "R" level licensee clearance is deemed unnecessary.

Timetable:

Action	Date	FR Cite
Terminated	10/18/88	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Sandra D. Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 492-3773**

RIN: 3150–AC58

[FR Doc. 89-5866 Filed 04-21-89; 8:45 am]

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federal register

Monday
April 24, 1989

Part LVIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SECURITIES AND EXCHANGE COMMISSION (SEC)

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release Nos. 33-6824, 34-26596, 35-24832, 39-2208 IC-16848, IA-1157; File No. S7-7-89]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 89-02. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission invites questions and public comment on individual agenda entries.

DATE: Public comments are due by June 30, 1989.

ADDRESSES: Persons wishing to submit written views should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Room 6184, Stop 6-9, Washington, DC 20549. All submissions should refer to File No. S7-7-89, and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: William J. Atkinson, Office of Economic Analysis, Securities and Exchange Commission, 450 5th Street, NW., Room 9200, Stop 9-1, Washington, DC 20549 (202-272-7100). The names of the person(s) to contact regarding specific entries are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") [Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]] requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose or adopt which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1]

The RFA also requires the Commission to publish a plan for the periodic review of all rules issued by the agency which have or will have a significant economic impact on a substantial number of small entities.[2] The Commission published such a plan in 1981.[3] The plan provides for the review of all rules in effect on January 1, 1981 within ten years of that date and for the review of all rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4]

The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be subject to RFA review requirements. The Commission is identifying them here in order to inform the public of its intention to review them. The agenda also identifies the rulemaking actions which have been completed (or withdrawn) since the last RFA release was approved by the Commission.[5]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included, nor is the Commission required to consider or act on any matter which is included.[6] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities.[7] This preliminary judgment may be changed upon further analysis.

The Commission's entries to the April 1989 Unified Agenda of Federal Regulations are listed below. The Commission's agenda includes new entries as well as items carried over from the October 1988 publication. New entries are marked with a bullet in front of the Sequence Number. Priority items are identified under the heading Significance.

Copies of this preamble and a list of the entries (which includes next action dates and identifies a staff contact) are available from Commission's Office of Public Affairs (Room 1015). The agenda also is available for inspection and copying in the Public Reference Room (Room 1026) (File S7-7-89), as noted above.

The Commission invites public comment on the individual entries in its regulatory agenda.

Dated: March 6, 1989.

By the Commission.

Jonathan G. Katz,

Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
3932	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties	3235-AB45
3933	17 CFR 210 Request for timely review of quarterly financial information	3235-AD31
3934	17 CFR 240. 3a12-10 Exemption of Sales of Certain Interests and Participations Issued in Connection with H.R. 10 Plans from Section 15(a)	3235-AC16

[1] 5 U.S.C. 602(a).

[2] U.S.C. 610(a).

[3] Securities Act Release No. 6362 (June 24, 1981) [46 FR 33287].

[4] 5 U.S.C. 610(c).

[5] Securities Act Release No. 6794 (October 24, 1988) [53 FR 42868].

[6] 5 U.S.C. 602(d).

[7] The agenda relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities. *See* Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

SEC

Prerule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3935	17 CFR 240. 17Ad-8 Rule 17Ad-8 of the Securities Exchange Act	3235-AC29

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3936	17 CFR 210 Technical Amendments to Regulation S-X	3235-AD32
3937	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
3938	00 CFR Not yet determined Rulemaking for Operational Edgar System	3235-AC48
3939	17 CFR 230. Rule 153 Definition of Preceded by a Prospectus as used in Section 5(b)(2) in relation to Certain Transactions	3235-AC61
3940	17 CFR 210 Multi-Jurisdictional Registration	3235-AC64
3941	17 CFR 230 Classification of Small Issuers for Reporting Purposes	3235-AC66
3942	17 CFR 229.303 Management's Discussion and Analysis of Financial Condition and Results of Operations	3235-AD03
3943	17 CFR 240.13d-1 Regulation 13D-G	3235-AD09
3944	17 CFR 230.134 Communications not Deemed a Prospectus	3235-AD22
3945	17 CFR 240 Disclosure of Block Repurchases by an Issuer or Affiliate	3235-AD25
3946	17 CFR 240.14a-7 Shareholder Lists	3235-AD41
3947	17 CFR 240.14a-102 Disclosure of Significant Equity Participants in Control Transactions	3235-AD42
3948	17 CFR 230.112 Lock-Box Rules	3235-AD43
3949	17 CFR 230.801 Rule 801	3235-AD44
3950	17 CFR Not yet determined Disclosure of Fairness Belief in Certain Negotiated Transactions	3235-AD53
3951	17 CFR 230.169 Rule 169 - Disclosure Requirements for Certain Offerings Relating to Probable Acquisitions	3235-AD54
3952	17 CFR 240. 15c2-10 Rule 15c2-10	3235-AC94
3953	17 CFR 230.180 Amendment to Rule 180 -- Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
3954	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
3955	17 CFR 270.17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
3956	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
3957	17 CFR 239.14 Amendments to Form N-2	3235-AB40
3958	17 CFR 275.206 (3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with Respect to Certain Transactions	3235-AB74
3959	17 CFR 270.3a-6 Proposed Rule 3a-6 under the Investment Company Act(the "ICA")	3235-AC03
3960	17 CFR 275.206 (4)-1 Advertising by Investment Advisers	3235-AC09
3961	17 CFR 274.11A N-1A Technical Amendments	3235-AC25
3962	17 CFR 270.10f-3 Exemption of Acquisition of Securities During the Existence of Underwriting Syndicate	3235-AC28
3963	17 CFR 270. 12d3-2 Proposed Rule 12d3-2under the Investment Company Act	3235-AC36
3964	00 CFR Not yet determined Advertising by Unit Investment Trusts	3235-AC70
3965	17 CFR 270.3a-7 Two-Tier Real Estate Companies	3235-AC84
3966	17 CFR 270.17f-5 Rule 17f-5 under the Investment Company Act of 1940	3235-AC85
3967	17 CFR 270.12d3-1 Proposed Amendments to Rule 12d3-1 under the Investment Company Act of 1940	3235-AD19
3968	17 CFR 230.139a Information that Broker-Dealers may Disseminate about Investment Companies	3235-AD20
3969	17 CFR 275. Revisions to the registration and the annual supplement forms used by Investment Advisers	3235-AD21
3970	17 CFR 270.36a-1 Proposed Rule 36a-1 under the Investment Company Act the ("ICA")	3235-AD33
3971	17 CFR 270.17f-6 Custody of Investment Company Assets with Registered Futures Commission Merchants	3235-AD34
3972	17 CFR 230.485 Revisions to Rules 485 and 486	3235-AD55
3973	17 CFR 274.11A Revisions to Annual Report to Shareholders	3235-AD56
3974	17 CFR 270.32a-3 Proposed rule 32a-3 under the Investment Company Act of 1940	3235-AD57

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3975	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
3976	17 CFR 210 Independent Accountants - Mandatory Peer Review	3235-AC79
3977	17 CFR 229 Report of Management's Responsibilities	3235-AD29

SEC

Final Rule Stage—Continued

Sequence Number	Title	Regulation Identifier Number
3978	17 CFR 240.13e-2 Acquisitions of Substantial Amounts of Securities and Related Activities during and following a Tender Offer for those Securities	3235-AA50
3979	17 CFR 240.16a-1 to 240.16a-11 Reports of Directors, Officers and Principal Stockholders	3235-AB14
3980	17 CFR 230.144A Private Resales of Securities to Institutions	3235-AC65
3981	17 CFR 230.433 Prospectus Delivery Requirements in Firm Commitment Underwritten Offerings of Securities Made for Cash (Rule 433)	3235-AC80
3982	17 CFR 230.901-906 Regulation S - Rules governing Offers and Sales made outside the United States without Registration under the Securities Act of 1933	3235-AD23
3983	17 CFR 230.465 Automatically Effective Post-Effective Amendments for Acquisitions by Certain Limited Partnerships	3235-AD24
3984	17 CFR 240.15a-6 Exemption of certain foreign brokers or dealers	3235-AD27
3985	17 CFR 240.15c2-12 Municipal Securities Disclosure	3235-AD58
3986	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
3987	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11c-1 Under the Investment Company Act	3235-AA14
3988	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16
3989	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235-AA47
3990	17 CFR 270.24f-3 Registration Under The Securities Act of 1933 of an Indefinite Number of Certain Investment Company Securities	3235-AC10
3991	17 CFR 270.12b-1 Proposed amendments to Rules 12b-1 and 17d-3 under the Investment Company Act of 1940, and to item 7 of Form N-1A under the Securities Act of 1933	3235-AC11
3992	17 CFR 230.134 Disclosure of Security Ratings in Registration Statements of Money Market Funds	3235-AC24
3993	17 CFR 270.6c-10 Proposed Rule 6c-10 under the Investment Company Act of 1940 and to item 2 of Form N-1A under the Securities Act of 1933	3235-AD18
3994	17 CFR 270.17f-1 Forms for Filings by accountants	3235-AD37
3995	17 CFR 275.203(b)(1) -1 Exemption from Registration Under the Advisers Act for certain Smaller Investment Advisers	3235-AD38
3996	17 CFR 250.17 Diversification by Exempt Holding Companies	3235-AD39

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3997	17 CFR 229 Amendments to Regulation S-K Regarding changes in Accountants; Acceleration of the timing for filing forms 8-K relating to changes in Accountants and Resignations of Directors	3235-AD30
3998	17 CFR 230.144 Section 16(a) Compliance	3235-AD04
3999	17 CFR 210.3-12 Reporting Requirements for Change in Fiscal Year End	3235-AD05
4000	17 CFR 215. Regulation D	3235-AD45
4001	17 CFR 240.10b-21(T) Rule 10b-21(T) Short Sales in Connection with a Public Offering	3235-AC95
4002	17 CFR 249.617 Form X-17A-5 (paragraph (a) of Rule 17a-5 of the Securities Exchange Act	3235-AD59
4003	17 CFR 239.17a Variable Annuity Fee Table	3235-AD36

SECURITIES AND EXCHANGE COMMISSION (SEC) — Prerule Stage

Accounting Rules

3932. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a (25); 15 USC 77a (26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. Assertions have been made that accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

SEC

Prerule Stage

Government Levels Affected: Undetermined

Agency Contact: Jeffrey Jones, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235–AB45

3933. REQUEST FOR TIMELY REVIEW OF QUARTERLY FINANCIAL INFORMATION

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s (a); 15 USC 77aa (25) and (26); 15 USC 78l; 15 USC 78m; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79c (b); 15 USC 79n; 15 USC 79t (a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210; 17 CFR 229

Legal Deadline: None

Abstract: The Commission has stated that if intents to issue a concept release soliciting comments on whether the Commission's rules should be amended to require independent public accountants to review interim financial data before it is files with the Commission. The staff is preparing such a release.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Jack C. Parsons, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD31

Securities Markets and Securities Industry Rules

3934. EXEMPTION OF SALES OF CERTAIN INTERESTS AND PARTICIPATIONS ISSUED IN CONNECTION WITH H.R. 10 PLANS FROM SECTION 15(A)

Legal Authority: 15 USC 78c(a)(12); 15 USC 78o; 15 USC 78w; 15 USC 77c(a)(12); 15 USC 77s(a)

CFR Citation: 17 CFR 240. 3a12-10; 17 CFR 230.180

Legal Deadline: None

Abstract: The proposed rule would specify certain conditions under which persons engaged in the sale of interests and participation issued in connection with certain tax-qualified retirement plans ("H.R.10" or "Keogh" plans) would not be required to register as broker-dealers under Section 15(a) of the Securities Exchange Act of 1934. In 1981, the Commission adopted Rule 180 under the Securities Act of 1933 exempting from the registration requirements of that Act interests and participations issued in connection with H.R. 10 plans. The proposed rule provides a parallel exemption from broker-dealer registration for sales of such interests and participations in H.R. 10 plans. As an alternative the staff could consider granting no-action or exemptive requests on a case-by-case basis. However, such procedure would be inefficient and needlessly expensive for both the public and the Commission staff. In addition, the Commission is proposing to amend Rule 180 to clarify that, under paragraph (a)(3)(ii) of that Rule, the employer only needs to obtain investment advice prior to the investment of plan assets. This proposal codifies a previous staff position.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Susan J. Walters, Branch Chief, Legal Interpretations, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2417

RIN: 3235–AC16

3935. RULE 17AD-8 OF THE SECURITIES EXCHANGE ACT

Legal Authority: 15 USC 17b; 15 USC 78g-1; 15 USC 78w(a)

CFR Citation: 17 CFR 240. 17Ad-8

Legal Deadline: None

Abstract: Rule 17Ad-8 requires a registered clearing agency, at the request of an issuer, to provide the issuer with a "securities position listing." A securities position listing is a list of the clearing agency's participants on whose behalf the clearing agency holds the issuer's securities as well as participants' positions as of a specified date. The Rule further provides that the clearing agency may charge a reasonable fee for providing the list.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth Street, N.W., Washington, DC 20549, 202 272-2782

RIN: 3235–AC29

SECURITIES AND EXCHANGE COMMISSION (SEC)

Proposed Rule Stage

Accounting Rules

3936. TECHNICAL AMENDMENTS TO REGULATION S-X

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s (a); 15 USC 77aa (25) and (26); 15 USC 78l; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79 (c) (b); 15 USC 79n; 15 USC 79 (t)a; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The staff is considering whether to recommend that the Commission propose amendments to Regulation S-X to conform that regulation to recently adopted changes in generally accepted accounting principles and generally accepted auditing standards.

Timetable:

Action	Date	FR Cite
NPRM	02/27/89	54 FR 8202
NPRM Comment Period End	04/28/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Teresa Iannaconi, Staff Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235–AD32

Disclosure Rules

3937. FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Legal Deadline: None

Abstract: The Commission will consider whether to revise the disclosure requirements under the federal securities laws relating to registration under the Securities Act of 1933 of securities to be offered to employees of an issuer pursuant to certain plans. Such registration currently is made on Form S-8 (17 CFR 239.16b). The Commission staff is developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring the availability of sufficient information to employees, particularly where they already have access to much of the required information under ERISA. In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Larisa Dobriansky, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235–AB79

3938. RULEMAKING FOR OPERATIONAL EDGAR SYSTEM

Significance: Agency Priority

Legal Authority: 15 USC 77a to 77aa; 15 USC 78a to 78ii; 15 USC 79 to 79z-6; 15 USC 77aaa to 77bbb; 15 USC 80a-1 to 80a-52

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rulemaking encompasses the changes necessary to mandate and accommodate electronic filing in the operational Edgar system, as well as to update the rules to take advantage of the efficiencies of electronic filing and processing.

Timetable:

Action	Date	FR Cite
ANPRM	07/02/86	51 FR 24155
ANPRM Comment Period End	09/05/86	
NPRM	07/01/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2589**

RIN: 3235–AC48

3939. RULE 153 DEFINITION OF PRECEDED BY A PROSPECTUS AS USED IN SECTION 5(B)(2) IN RELATION TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 77e

CFR Citation: 17 CFR 230.

Legal Deadline: None

Abstract: The prospectus delivery requirement for certain transactions effectuated on a national securities exchange may be satisfied by delivery to the exchange. The Commission will consider whether this procedure should be available for certain transactions on the NASDAQ Inter Dealer Quotation System.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2644**

RIN: 3235–AC61

3940. MULTI-JURISDICTIONAL REGISTRATION

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77ddd; 15 USC 77eee; 15 USC 77fff; 15 USC 78c(b); 15 USC 78j; 15 USC 78l; 15 USC 78m; 15 USC 78w; 15 USC 78x

CFR Citation: 17 CFR 210; 17 CFR 230; 17 CFR 239; 17 CFR 240; 17 CFR 249; 17 CFR 260

Legal Deadline: None

Abstract: The Commission issued a concept release in February 1985 addressing numerous regulatory issues raised by multinational offerings. At that time, the Commission published for comment two conceptual approaches to facilitating such offerings--a "common prospectus" approach and a

"reciprocal" approach. The staff currently is developing a multi-jurisdictional registration system that is based upon the reciprocal approach. The current staff proposal is intended to facilitate multi-jurisdictional and cross-jurisdictional offerings of securities by Canadian issuers. The proposal is intended to form the basis of a system of multi-jurisdictional registration that may eventually be expanded to encompass a number of jurisdictions and a wide variety of transactions.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/85	50 FR 9281
ANPRM Comment Period End	07/15/85	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3246**

RIN: 3235–AC64

3941. CLASSIFICATION OF SMALL ISSUERS FOR REPORTING PURPOSES

Legal Authority: 15 USC 78l; 15 USC 78m

CFR Citation: 17 CFR 230; 17 CFR 240; 17 CFR 244; 17 CFR 260

Legal Deadline: None

Abstract: Other appropriate criteria are being sought to establish the threshold level for companies to enter into the Securities Exchange Act of 1934 reporting system, which would complement or be substituted for the present size criteria of 500 shareholders and total assets of $5 million.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/86	51 FR 25369
ANPRM Comment Period End	09/30/86	
NPRM	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2644**

RIN: 3235–AC66

3942. MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND RESULTS OF OPERATIONS

Legal Authority: 15 USC 78w(a)

CFR Citation: 17 CFR 229.303

Legal Deadline: None

Abstract: The Commission has solicited public comment on issues relating to Management's Discussion and Analysis of Financial Condition and Results of Operations as required by Item 303 of Regulation S-K. This requirement is the subject of recommendations from members of the accounting profession calling for a more specific approach to requiring disclosure of business risks and uncertainties, as well as additional board of director scrutiny and independent auditor association with these disclosures. The Commission staff intends to issue an interpretive release on this subject.

Timetable:

Action	Date	FR Cite
ANPRM	04/24/87	52 FR 13715
ANPRM Comment Period End	06/23/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Paul N. Edwards, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D. C. 20549, **202 272-3205**

RIN: 3235–AD03

3943. REGULATION 13D-G

Significance: Agency Priority

Legal Authority: 15 USC 78m(d); 15 USC 78m(g); 15 USC 78m(a)

CFR Citation: 17 CFR 240.13d-1; 17 CFR 240.13d-2; 17 CFR 240.13d-7; 17 CFR 240.13d-101; 17 CFR 240.13d-102

Legal Deadline: None

Abstract: The Commission will consider proposing revisions of Regulation 13D-G to close certain disclosure gaps, to make the disclosure more meaningful and to broaden the pool of persons allowed to use the short-form beneficial ownership report on Schedule 13G so as to lessen the costs and burdens of compliance. In connection with this rulemaking project, a review of Rules 13d-1 through 13d-7 and Schedules 13D and 13G will be conducted.

Timetable:

Action	Date	FR Cite
NPRM	03/14/89	54 FR 10552
NPRM Comment Period End	05/15/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard E. Baltz, Deputy Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3097**

RIN: 3235–AD09

3944. COMMUNICATIONS NOT DEEMED A PROSPECTUS

Legal Authority: 15 USC 77b; 15 USC 77s

CFR Citation: 17 CFR 230.134

Legal Deadline: None

Abstract: The Commission will consider proposing amendments to Rule 134 of the Commission's rules and regulations under the Securities Act of 1933 that would permit direct participation programs such as state limited partnerships to include additional information in their Rule 134 tombstone advertisements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William E. Morley, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235–AD22

3945. DISCLOSURE OF BLOCK REPURCHASES BY AN ISSUER OR AFFILIATE

Legal Authority: 15 USC 78m; 15 USC 78w(a)

CFR Citation: 17 CFR 240; 17 CFR 249

Legal Deadline: None

Abstract: The staff is developing proposals to require either pre - or post transactional disclosure of issuer or affiliate repurchases of securities of the issuer over a certain threshold percentage. The staff has yet to determine the appropriate percentage level.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235–AD25

3946. SHAREHOLDER LISTS

Legal Authority: 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-7; 17 CFR 240.14d-5

Legal Deadline: None

Abstract: The Commission staff is developing proposals to amend the proxy and tender offer rules to give a security holder the right, under specified circumstances, to obtain a list of the names, addresses and securities positions of certain of the registrant's shareholders.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD41

3947. DISCLOSURE OF SIGNIFICANT EQUITY PARTICIPANTS IN CONTROL TRANSACTIONS

Legal Authority: 15 USC 78c(b); 15 USC 78m(d); 15 USC 78n; 15 USC 78v

CFR Citation: 17 CFR 240.14a-102; 17 CFR 240.13d-101; 17 CFR 240.13e-100; 17 CFR 240.14d-100

Legal Deadline: None

Abstract: The Commission staff is developing proposals that would require disclosure of a person with a significant equity interest in an entity affecting a control transaction. In connection with this rulemaking project, a review of Rule 13e-3 and Schedule 13E-3 will be conducted.

Timetable:

Action	Date	FR Cite
NPRM	03/13/89	54 FR 10360
NPRM Comment Period End	05/12/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard E. Baltz, Deputy Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235–AD42

3948. LOCK-BOX RULES

Legal Authority: 15 USC 77s(a); 15 USC 78w(a); 15 USC 77f

CFR Citation: 17 CFR 230.112; 17 CFR 240.0-12; 17 CFR 230.456

Legal Deadline: None

Abstract: The Commission staff is developing proposals that would address procedures regarding payment of fees to the lock-boxes designated at 17 CFR 202.3a with respect to 1933 Act filings and 1934 Act change of control transactional filings.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Anne M. Krauskopf, Special Counsel, Office of Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235–AD43

3949. RULE 801

Significance: Agency Priority

Legal Authority: 15 USC 77c(b); 15 USC 77s

CFR Citation: 17 CFR 230.801

Legal Deadline: None

Abstract: The Commission staff is developing proposals that would provide an exemption from the registration requirements of the Securities Act of 1933 for certain rights offerings to the existing security holders of non-reporting issuers.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jonathan Gottlieb, Attorney Fellow, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AD44

3950. ● DISCLOSURE OF FAIRNESS BELIEF IN CERTAIN NEGOTIATED TRANSACTIONS

Significance: Agency Priority

Legal Authority: 15 USC 78m; 15 USC 78n; 15 USC 78w

CFR Citation: 17 CFR Not yet determined

Legal Deadline: None

Abstract: The staff is developing proposals that would require disclosure of factors considered in formulating a fairness belief regarding the transaction or recommending the transaction to security holders; any reports, opinions or appraisals received from a third party and conflicts of interest the third party may have in rendering the report, opinion or appraisal; and a summary of any reports, opinions or appraisals.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard E. Baltz, Deputy Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3097

RIN: 3235–AD53

3951. ● RULE 169 - DISCLOSURE REQUIREMENTS FOR CERTAIN OFFERINGS RELATING TO PROBABLE ACQUISITIONS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77s(a)

CFR Citation: 17 CFR 230.169

Legal Deadline: None

Abstract: The staff is developing proposals that would require certain issuers offering registered securities through outstanding warrants, rights or convertible securities, or through a secondary offering to file post-effective amendments when an acquisition becomes probable in order to furnish information, including audited financial statements about the company to be acquired.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard K. Wulff, Chief, Office of Small Business Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235–AD54

Securities Markets and Securities Industry Rules

3952. RULE 15C2-10

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78k(A)-1; 15 USC 78o(c)(1); 15 USC 78o(c)(2); 15 USC 78w(a)

CFR Citation: 17 CFR 240. 15c2-10

Legal Deadline: None

Abstract: The Commission has proposed for comment a rule that would govern the operation of proprietary securities trading systems that are not operated as facilities of a national securities association or exchange.

Timetable:

Action	Date	FR Cite
NPRM	04/30/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Gordon K. Fuller, Special Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 Fifth St., N.W., Washington, D.C. 20549, 202 272-2414

RIN: 3235–AC94

Investment Management Rules

3953. AMENDMENT TO RULE 180 -- EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Legal Deadline: None

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N. W. (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AA08

3954. MUTUAL FUND GOVERNANCE

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would

provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Extended Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354.

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AA44

3955. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Legal Deadline: None

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The Commission is also considering whether to amend Rule 17 j-1 to define specified acts as fraudulent, deceptive or manipulative or to require certain minimum standards to be set forth on a company's code of ethics.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3042

RIN: 3235–AA68

3956. REVISION OF INVESTMENT COMPANY PROXY RULES

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Legal Deadline: None

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange

Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AA69

3957. AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Legal Deadline: None

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. For N-2 is the registration form under the Securities Act of 1933 and Investment Company Act of 1940 for closed-end management investment companies other than small business investment companies. The Commission is considering proposing structured as a three-part form, one part of which would be a new Amendments to revise the format of the closed-end fund disclosure documents to provide for a simplified prospectus the (con't)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: Delivery of which will satisfy the requirements of Section 5 of the Securities Act, and a statement of additional information which will be available to investors upon request. The Amendments will also update current disclosure requirements. Accordingly, the Commission is proposing a new form N-2A that most likely would be structured as a three-part form, one part of which would be a new simplified prospectus. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are expected to reduce the cost of registration for both the industry and Government.

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2107

RIN: 3235–AB40

3958. METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 275.206 (3)-3

Legal Deadline: None

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ernest P. Francis, Staff Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AB74

3959. PROPOSED RULE 3A-6 UNDER THE INVESTMENT COMPANY ACT(THE "ICA")

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-6

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would provide exemptive relief from all provisions of the ICA to persons that issue securities collateralized by partial pool agency certificates.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard Pfordte, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2811

RIN: 3235–AC03

3960. ADVERTISING BY INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6(4)

CFR Citation: 17 CFR 275.206 (4)-1

Legal Deadline: None

Abstract: Rule 206(4)-1 contains a wide range of restrictions on advertising by investment advisers including prohibitions on the use of testimonials. The rule was adopted in 1962 and has not been revised since. The Commission is considering whether to amend the rule in a manner which would permit greater flexibility to investment advisers in their advertising and protect the investing public from potential abuse. Because the proposed amendments to the rule are still in the developmental stages, the potential effect on small entities and its potential costs and benefits as a whole are uncertain at this time.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert E. Plaze, Chief of Office, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2098**

RIN: 3235–AC09

3961. N-1A TECHNICAL AMENDMENTS

Legal Authority: 15 USC 580a-8(b)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None

Abstract: The Commission is considering several modifications to Form N-1A including: reducing the number of copies to be filed with the Commission; conforming the language of Form N-1A with Forms N-3 and N-4; and clarifying many of the current disclosure requirements.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth street, N. W., Washington, DC 20549, **202 272-2107**

RIN: 3235–AC25

3962. EXEMPTION OF ACQUISITION OF SECURITIES DURING THE EXISTENCE OF UNDERWRITING SYNDICATE

Legal Authority: 15 USC 80a-10(f); 15 USC 80a-37(a); 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.10f-3

Legal Deadline: None

Abstract: The conditions in existing Rule 10f-3, which allow purchases from affiliated underwriters during the existence of an underwriting syndicate, may no longer be appropriate in today's financial markets. The Commission is investigating possible alternative provisions and soliciting comment on these alternatives.

Timetable:

Action	Date	FR Cite
ANPRM	01/29/86	51 FR 4386
ANPRM Comment Period End	04/07/86	51 FR 4386

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3042**

RIN: 3235–AC28

3963. PROPOSED RULE 12D3-2UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270. 12d3-2

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would set forth the conditions under which registered investment companies may engage in repurchase agreement transactions with persons engaged in securities related businesses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, DC 20549, **202 272-2048**

RIN: 3235–AC36

3964. ADVERTISING BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 77j; 15 USC 77s; 15 USC 80a-37(a)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Currently unit investment trusts advertise their performance by means of an "estimated current return" which shows estimated cash flow. However, because there is no uniform method of computing the estimated current return, they cannot be compared by prospective investors. This rulemaking project will endeavor to create such a uniform method. A uniform method of computation will permit investors to make more informed investment decisions by enabling them to compare the performance of different trusts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Diane C. Blizzard, Securities and Exchange Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2107**

RIN: 3235–AC70

3965. TWO-TIER REAL ESTATE COMPANIES

Legal Authority: 15 USC 80a-6(c)

CFR Citation: 17 CFR 270.3a-7; 17 CFR 270.6c-11

SEC

Proposed Rule Stage

Legal Deadline: None

Abstract: The regulation will be designed to codify numerous exemptions from the provisions of the Investment Company Act of 1940 ("Act") granted to two-tier real estate limited partnerships. Exemptions from the Act pursuant to Section 6(c) of the Act have generally been granted where: 1) the two-tier partnership invests in limited partnerships engaged in the development and building of housing for low and moderate income persons; 2) the limited partnership interests are sold only to suitable investors; and 3) requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer are included in the basic organizational documents of the partnership. The regulation will reduce the number of exemptive relief applications received by the Office of Investment Company Regulation requesting exemptions for two-tier real estate limited partnerships.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC84

3966. RULE 17F-5 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-17(f); 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17f-5

Legal Deadline: None

Abstract: Rule 17f-5 permits U.S. registered Investment Companies to maintain certain Securities and other assets in the custody of an "Eligible Foreign Custodian," as that term is defined in the rule. In response to comments that the present definition of Eligible Foreign Custodian and other provisions of the rule are too restrictive, the Commission is considering whether to propose amendments to the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC85

3967. PROPOSED AMENDMENTS TO RULE 12D3-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37

CFR Citation: 17 CFR 270.12d3-1

Legal Deadline: None

Abstract: The Commission is considering whether to propose amendments to Rule 12d3-1 under the Investment Company Act of 1940, which provides exemptive relief from the Act's prohibition against investment company acquisitions of securities issued by persons engaged in certain securities-related businesses. If adopted, the proposed amendments would expand the exemptive relief provided by the rule to permit, under certain conditions, investment companies to acquire equity securities issued by persons organized outside the United States that are engaged in securities related businesses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: C. Christopher Sprague, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D. C. 20549, 202 272-7779

RIN: 3235–AD19

3968. INFORMATION THAT BROKER-DEALERS MAY DISSEMINATE ABOUT INVESTMENT COMPANIES

Legal Authority: 15 USC 77s(a)

CFR Citation: 17 CFR 230.139a

Legal Deadline: None

Abstract: The Commission is considering proposing a rule that would provide a safe harbor under Section 5 of the Securities Act of 1933 for certain broker-dealer publications that contain information about investment companies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD20

3969. REVISIONS TO THE REGISTRATION AND THE ANNUAL SUPPLEMENT FORMS USED BY INVESTMENT ADVISERS

Legal Authority: 15 USC 78o(b)(1); 15 USC 78w(a); 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-6A; 15 USC 80b-11; 15 USC 80b-1

CFR Citation: 17 CFR 275.; 17 CFR 279.

Legal Deadline: None

Abstract: The Commission is considering a proposal that would revise the Amendment and updating requirements and procedures for an advisers registration form and annual report. The Commission would propose such revisions in order to facilitate the review of investment adviser registration forms and resolve certain administrative difficulties.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD21

3970. PROPOSED RULE 36A-1 UNDER THE INVESTMENT COMPANY ACT THE ("ICA")

Legal Authority: 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.36a-1

Legal Deadline: None

Abstract: The Commission is considering whether to propose a rule that would require non-resident directors of registered management investment companies to designate a resident agent for service of process in any action before the Commission or in any appropriate court of the United States with respect to any action arising under the provisions of the securities acts.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Wendy B. Finck, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AD33

3971. CUSTODY OF INVESTMENT COMPANY ASSETS WITH REGISTERED FUTURES COMMISSION MERCHANTS

Legal Authority: 15 USC 80a-37

CFR Citation: 17 CFR 270.17f-6

Legal Deadline: None

Abstract: The Division of Investment Management is considering recommending rulemaking to permit registered investment companies to maintain initial margin and excess variation margin in the custody of certain futures commission merchants if appropriate conditions can be developed to ensure the safety and integrity of the assets thus maintained.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Brian P. Kindelan, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2048

RIN: 3235–AD34

3972. ● REVISIONS TO RULES 485 AND 486

Legal Authority: 15 USC 77g; 15 USC 77h; 15 USC 77s(2); 15 USC 78d-1; 15 USC 78d-2; 15 USC 802-37

CFR Citation: 17 CFR 230.485; 17 CFR 230.486; 17 CFR 200.30-5

Legal Deadline: None

Abstract: The Commission is considering proposing revisions which would make changes in the circumstances under which post effective amendments to registration statements may become effective pursuant to rules 485 and 486 and would permit the Commission to suspend use of rules 485(b) and 486(b) in cases of misuse of those rules.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ernest P. Francis, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD55

3973. ● REVISIONS TO ANNUAL REPORT TO SHAREHOLDERS

Legal Authority: 15 USC 77g; 15 USC 77h; 15 USC 77s(2); 15 USC 802-8; 15 USC 802-29(d); 15 USC 802-30(c); 15 USC 802-37(2)

CFR Citation: 17 CFR 274.11A

Legal Deadline: None

Abstract: The Commission is considering proposing revisions that would permit mutual funds to provide a summary portfolio schedule to shareholders in their annual reports.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ernest P. Francis, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD56

3974. ● PROPOSED RULE 32A-3 UNDER THE INVESTMENT COMPANY ACT OF 1940

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37; 15 USC 80a-38

CFR Citation: 17 CFR 270.32a-3

Legal Deadline: None

Abstract: The Commission has proposed Rule 32a-3 under the Investment Company Act of 1940, which would provide exemptive relief to certain registered management investment companies from the proviso in section 32(a)(1) of the Act that the independent public accountant be selected at a board of directors meeting held within 30 days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year. If adopted, the proposed rule would provide such companies, under certain conditions, with expanded time periods in which to select the independent public accountant.

Timetable:

Action	Date	FR Cite
NPRM	03/08/89	54 FR 9843
NPRM Comment Period End	05/08/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: C. Christopher Sprague, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street,

SEC — Proposed Rule Stage

N.W., Washington, D.C. 20549, 202 272-7779

RIN: 3235–AD57

SECURITIES AND EXCHANGE COMMISSION (SEC) — Final Rule Stage

Accounting Rules

3975. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa (25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Legal Deadline: None

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period End	05/15/84	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry replaces the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235–AB15

3976. INDEPENDENT ACCOUNTANTS - MANDATORY PEER REVIEW

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa (25) to 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Legal Deadline: None

Abstract: The Commission has proposed amendments to its rules that would require accountants' reports included in Commission filings be signed by an independent accountant who has undergone a peer review of its accounting and audit practice within the past three years.

Timetable:

Action	Date	FR Cite
NPRM	04/01/87	52 FR 11665
NPRM Comment Period End	09/01/87	52 FR 11665
Final Action	04/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AC79

3977. REPORT OF MANAGEMENT'S RESPONSIBILITIES

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77i; 15 USC 77s(a); 15 USC 77aa (25) and (26); 15 USC 781; 15 USC 78n; 15 USC 78o (d); 15 USC 78w (a); 15 USC 79c (b); 15 USC 79n; 15 USC 79t (a); 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 229; 17 CFR 240; 17 CFR 249; 17 CFR 270; 17 CFR 274

Legal Deadline: None

Abstract: The Commission has proposed rules to require registrants to include a report of management's responsibilities in Forms 10-K and N-SAR and annual reports to security holders. The management report would contain a description or statement of management's responsibilities for the preparation of the registrant's financial statements and other financial information and for establishing and maintaining a system of internal control directly related to financial reporting, with management's assessment of the effectiveness of the registrant's internal control system.

Timetable:

Action	Date	FR Cite
NPRM	07/19/88	53 FR 28009
NPRM Comment Period End	10/24/88	53 FR 28009
Final Action	06/30/89	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235–AD29

SEC

Final Rule Stage

Disclosure Rules

3978. ACQUISITIONS OF SUBSTANTIAL AMOUNTS OF SECURITIES AND RELATED ACTIVITIES DURING AND FOLLOWING A TENDER OFFER FOR THOSE SECURITIES

Legal Authority: 15 USC 78c(b); 15 USC 78m(e); 15 USC 78n(d); 15 USC 78w(a); 15 USC 78o(c); 15 USC 78t(b)

CFR Citation: 17 CFR 240.13e-2; 17 CFR 240.14d-11

Legal Deadline: None

Abstract: The Commission proposed Rules 13e-2 and 14d-11 that would require that, subject to certain exceptions, purchases, offers to purchase, arrangements or understandings to purchase and solicitations of offers to sell securities undertaken during and shortly after a tender offer that would increase any person's ownership of the class of securities subject to the tender offer by 10% or more of the class be made in compliance with the statutory provisions and rules applicable to tender offers. The proposed rules would apply to all persons from the formal commencement of a tender offer until 10 business days after the scheduled expiration date. A proposed rule also would subject a bidder to the same requirements from the time it commenced a tender offer by public announcement until it either formally commenced a tender offer by some other means or 30 business days after it made a subsequent public announcement stating that it had determined not to continue with the tender offer.

Timetable:

Action	Date	FR Cite
ANPRM	07/31/86	51 FR 28096
ANPRM Comment Period End	12/01/86	
NPRM	10/01/87	52 FR 37472
NPRM Comment Period End	12/07/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David A. Sirignano, Chief, Office of Tender Offers, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, DC 20549, 202 272-3097

RIN: 3235–AA50

3979. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-3; 17 CFR 240.16e-1; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 240.12h-2; 17 CFR 270.30f-1

Legal Deadline: None

Abstract: The Commission published for comment a comprehensive revision of its rules promulgated under section 16 of the Securities Exchange Act. The proposed rules would define certain key terms, change trade reporting obligations, change exemptions from Section 16(b) short-swing profit recovery, and promulgate new forms and instructions. The proposal was published on 13 December.

Timetable:

Action	Date	FR Cite
NPRM	12/02/88	53 FR 49997
NPRM Comment Period End	03/13/89	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Brian J. Lane, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, DC 20549, 202 272-2589

RIN: 3235–AB14

3980. PRIVATE RESALES OF SECURITIES TO INSTITUTIONS

Legal Authority: 15 USC 77d (1); 15 USC 77d (3); 15 USC 77s(a)

CFR Citation: 17 CFR 230.144A

Legal Deadline: None

Abstract: The Securities and Exchange Commission has published for comment proposed Rule 144A that would provide a safe harbor from the registration requirements of the Securities Act of 1933 for the resale of securities to institutional investors. The rule would provide a safe harbor for three tiers of transactions. The Commission also published for comment an amendment to Rule 144 under the Act to define the required holding period for restricted securities as commencing at the time of sale by the issuer or its affiliate.

Timetable:

Action	Date	FR Cite
NPRM	10/25/88	53 FR 44016
NPRM Comment Period End	01/31/89	53 FR 50038

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AC65

3981. PROSPECTUS DELIVERY REQUIREMENTS IN FIRM COMMITMENT UNDERWRITTEN OFFERINGS OF SECURITIES MADE FOR CASH (RULE 433)

Legal Authority: 15 USC 77b(10); 15 USC 77s(a); 15 USC 77j(a)(4); 15 USC 77j(d)

CFR Citation: 17 CFR 230.433

Legal Deadline: None

Abstract: The Commission proposed two alternative versions of a new Rule 433 that would provide a safe harbor from the requirement to deliver a final prospectus prior to or contemporaneously with a confirmation of sale in a firm commitment offering of securities for cash. Both proposals would permit, if all conditions of the rule are satisfied, the sending of a final prospectus no later than five business days after a confirmation of sale is sent to an investor in such an offering.

Timetable:

Action	Date	FR Cite
NPRM	08/06/87	52 FR 29206
NPRM Comment Period End	10/05/87	

Next Action Undetermined

Small Entities Affected: Businesses

SEC

Final Rule Stage

Government Levels Affected: Undetermined

Agency Contact: Ann D. Wallace, Chief, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AC80

3982. REGULATION S - RULES GOVERNING OFFERS AND SALES MADE OUTSIDE THE UNITED STATES WITHOUT REGISTRATION UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 77b; 15 USC 77d; 15 USC 77s

CFR Citation: 17 CFR 230.901-906

Legal Deadline: None

Abstract: The extraterritorial reach of Section 5 of the Securities Act of 1933 has become of critical importance with the development of major markets abroad and the growth of transnational investment. As a result of these developments, the Commission has published for comment proposed Regulation S intended to clarify the extraterritorial application of the registration provisions of the Securities Act of 1933. The Regulation would provide generally that any offer or sale that occurs outside the United States is not subject to Section 5.

Timetable:

Action	Date	FR Cite
NPRM	06/10/88	53 FR 53226
NPRM Comment Period End	10/31/88	53 FR 33147

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Sara Hanks, Chief, Office of International Corporate Finance, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3246

RIN: 3235–AD23

3983. AUTOMATICALLY EFFECTIVE POST-EFFECTIVE AMENDMENTS FOR ACQUISITIONS BY CERTAIN LIMITED PARTNERSHIPS

Significance: Agency Priority

Legal Authority: 15 USC 77b; 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 230.465; 17 CFR 230.424; 17 CFR 229.801(c); 17 CFR 230.406

Legal Deadline: None

Abstract: The Commission is proposing for comment two alternative forms of a new Rule 465 that would provide for the automatic effectiveness of post-effective amendments filed by limited partnerships during the distribution period, provided that such amendments relate to significant acquisitions and contain required financial statements, financial information and textual information.

Timetable:

Action	Date	FR Cite
NPRM	07/08/88	53 FR 26718
NPRM Comment Period End	09/12/88	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Alexander D. Shtofman, Special Counsel, Office of Disclosure Policy, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235–AD24

3984. EXEMPTION OF CERTAIN FOREIGN BROKERS OR DEALERS

Significance: Agency Priority

Legal Authority: 15 USC 78c; 15 USC 78j; 15 USC 78o; 15 USC 78q; 15 USC 78w; 15 USC 78dd

CFR Citation: 17 CFR 240.15a-6

Legal Deadline: None

Abstract: Proposed Rule 15a-6 is the Commission's response to the cross-border activities of foreign broker-dealers, which may not be aware of or clearly understand U.S. broker-dealer registration requirements. The proposed rule would exempt from these requirements foreign entities that engage in securities transactions with certain non-U.S. persons, or with specified U.S. institutional investors under certain limited conditions. The staff believes that this alternative is superior to relying on the interpretive process, since the internationalization of the world's securities markets has increased greatly the number of requests for interpretive advice received by the staff. The Commission believes that, to the extent that the proposed rule, if adopted, would impose any costs on registered broker-dealer affiliates of eligible foreign broker-dealers or have a competitive effect on other domestic broker-dealers, those costs are not significant and would not impact on a substantial number of small domestic broker-dealers; also, the exemption under the rule would be limited to foreign broker-dealers, which need not be considered under 5 USC 603.

Timetable:

Action	Date	FR Cite
NPRM	06/14/88	53 FR 23645
NPRM Alternative Proposal	10/04/88	53 FR 38967
NPRM Comment Period End	10/31/88	53 FR 33147

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Polanin, Jr., Attorney, Office of Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street N.W., Mail Stop 5-1, Washington, D.C. 20549, 202 272-2848

RIN: 3235–AD27

Securities Markets and Securities Industry Rules

3985. ● MUNICIPAL SECURITIES DISCLOSURE

Significance: Agency Priority

Legal Authority: 15 USC 78l; 15 USC 78c; 15 USC 78j; 15 USC 78o; 15 USC 78o-4; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.15c2-12

Legal Deadline: None

Abstract: Proposed Rule 15c2-12 is designed to improve the quality and timeliness of disclosure in the municipal securities markets. The rule would require underwriters participating in offerings of municipal securities exceeding $10 Million to: obtain and review copies of nearly final official statements prior to bidding for or purchasing an offering; contract with

the issuers or their agents to obtain final official statements in sufficient quantities to make them available in accordance with rules established by the Municipal Securities Rulemaking board; and make available copies of preliminary and final official statements to interested persons on request. The Commission has requested comment on a number of alternatives, including lower or higher thresholds for the rule, and specific exemptions for types of securities or transactions.

Timetable:

Action	Date	FR Cite
NPRM	09/28/88	53 FR 37778
NPRM Comment Period End	12/27/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Edward L. Pittman, Assistant Chief Counsel, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235–AD58

Investment Management Rules

3986. PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.3a-4

Legal Deadline: None

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	10/10/80	45 FR 69479
NPRM Comment Period End	01/31/81	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3042

RIN: 3235–AA12

3987. PROPOSED RULES 11A-3 AND 11C-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a); 15 USC 80a-37

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11c-1

Legal Deadline: None

Abstract: The proposed rules would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section prohibits any registered open-end investment company and its principal underwriter from making an offer to a shareholder to exchange his security for another security on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms have been submitted to and approved by the Commission or comply with rules the Commission may prescribe. Section 11(c) states in part that the terms of any offer of exchange involving the securities of registered unit investment trusts must also be submitted to and approved by the Commission or comply with rules the Commission may prescribe. Proposed rule 11a-3 would permit a mutual fund or its principal underwriter to make certain exchange offers to its own shareholders or to shareholders of another fund in the same family of funds. Proposed rule 11c-1 would permit a unit investment trust or its sponsor to make certain exchange offers to unit holders of the same series or another series of the same trust or to unit holders of another unit investment trust

Timetable:

Action	Date	FR Cite
NPRM	12/23/86	51 FR 47260
NPRM Comment Period End	03/31/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Additional Information: ABSTRACT CONT: having the same sponsor. By codifying standards for a variety of exchanges, these proposed rules are intended to significantly reduce the number of exemptive applications filed with the Commission under Section 11.

Agency Contact: Wendy B. Finck, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235–AA14

3988. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Legal Deadline: None

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other

manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3042

RIN: 3235–AA16

3989. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Legal Deadline: None

Abstract: On March 9, 1987, the Commission reproposed for public comment Form N-7, a new form for registering unit investment trusts("VITS") and their securities under the Investment Company Act of 1940 and the Securities Act of 1933. Form N-7 was originally proposed by the Commission on May 14, 1985. Adoption of Form N-7 would (i) codify the disclosure requirements for VITS into one form; (ii) codify the disclosure standards that have been developed for VITS; and (iii) shorten and simplify the prospectus used in connection with the sale of units in both the initial offering and in the secondary market maintained by the sponsor. As reproposed, a one-part prospectus originally proposed, but the prospectus would retain a series specific part and a generic part. The requirement for audited financial statements would be eliminated under certain circumstances. The requirement that registrants include certain third party financial statements in the registration statement would be extended to insurers as well as guarantors of portfolio securities of the trust under the reproposal.

Timetable:

Action	Date	FR Cite
NPRM	05/23/85	50 FR 21282
NPRM Comment Period End	12/31/87	

Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT:

Agency Contact: Diane C. Blizzard, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235–AA47

3990. REGISTRATION UNDER THE SECURITIES ACT OF 1933 OF AN INDEFINITE NUMBER OF CERTAIN INVESTMENT COMPANY SECURITIES

Legal Authority: 15 USC 80a-37; 15 USC 80a-24

CFR Citation: 17 CFR 270.24f-3

Legal Deadline: None

Abstract: On March 9, 1987, the Commission published for public comment a new rule 24f-3 under the Investment Company Act of 1940 that would simplify filing requirements under section 24(f) of the Investment Company Act by allowing a unit investment trust to register an indefinite number of securities solely for secondary market purposes and to pay no registration fee on secondary market sales. The Commission is considering whether to adopt such amendments.

Timetable:

Action	Date	FR Cite
NPRM	03/17/87	52 FR 8302
NPRM Comment Period End	05/15/87	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth Berman, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2107

RIN: 3235–AC10

3991. PROPOSED AMENDMENTS TO RULES 12B-1 AND 17D-3 UNDER THE INVESTMENT COMPANY ACT OF 1940, AND TO ITEM 7 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-12(b); 15 USC 80a-17(d); 15 USC 80a-39; 15 USC 77a, et seq.

CFR Citation: 17 CFR 270.12b-1; 17 CFR 270.17d-3; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission has proposed for comment amendments to Rule 12b-1 under the Investment Company Act to redefine the Circumstances under which investment companies may finance distribution of fund assets. The Commission has also proposed amendments to Rule 17d-3 to allow affiliated investment companies to jointly finance distribution activities under certain conditions. Finally, the Commission has proposed amendments to Form N-1A which would require an additional disclosure to be made regarding the amount of payments under distribution plans.

Timetable:

Action	Date	FR Cite
NPRM	06/21/88	53 FR 23258
NPRM Comment Period End	12/14/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235–AC11

SEC

Final Rule Stage

3992. DISCLOSURE OF SECURITY RATINGS IN REGISTRATION STATEMENTS OF MONEY MARKET FUNDS

Legal Authority: 15 USC 77(g); 15 USC 77(i); 15 USC 77(s)(a)

CFR Citation: 17 CFR 230.134; 17 CFR 230.436; 17 CFR 230.482

Legal Deadline: None

Abstract: The Commission proposed amendments to Rules 134, 436, and 482 under the Securities Act of 1933 on March 14, 1986. The amendments would, if adopted, permit certain investment companies to use in their statutory and omitting prospectuses security ratings assigned by a nationally recognized statistical rating organization (NRSRO) without first obtaining the NRSRO'S consent to being named pursuant to Section 7 of the Securities Act. The Commission is now considering whether to adopt such amendments.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	05/16/86	51 FR 9838

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ernest P. Francis, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 Fifth Street, N.W. (Stop 5-2), Washington, D.C. 20549, **202 272-2107**

RIN: 3235–AC24

3993. PROPOSED RULE 6C-10 UNDER THE INVESTMENT COMPANY ACT OF 1940 AND TO ITEM 2 OF FORM N-1A UNDER THE SECURITIES ACT OF 1933

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-22(c); 15 USC 80a-37; 15 USC 80a-39; 15 USC 77a, et. seq.

CFR Citation: 17 CFR 270.6c-10; 17 CFR 239.15A

Legal Deadline: None

Abstract: The Commission has proposed for public comment rule 6c-10 under the Investment Company Act to provide a registered open-end management investment company, other than a registered insurance company separate account, and certain relaxed persons with exemptions from the Act to the extent necessary to permit the fund to impose sales loads on a deferred basis. The Commission has also proposed amendments to Form N-1A, the registration statement for funds to accommodate the deferred sales loads that would be permitted if rule 6c-10 is adopted.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Proposed rule 6c-10 was formerly included with the proposed amendments to rules 12b-1 and 17d-3 under the Investment Company Act. Proposed rule 6c-10 has been split from that entry to comprise a separate item on the agenda.

Agency Contact: Rochelle G. Kauffman, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D. C. 20549, **202 272-2048**

RIN: 3235–AD18

3994. FORMS FOR FILINGS BY ACCOUNTANTS

Legal Authority: 15 USC 80a-17(f); 15 USC 80b-6

CFR Citation: 17 CFR 270.17f-1; 17 CFR 270.17f-2; 17 CFR 275.206(4)-2

Legal Deadline: None

Abstract: The Commission is proposing three new forms to serve as cover sheets to examination certificates filed by accountants in compliance with rules 17f-1(b)(4) and 17f-2(f) under the Investment Company Act of 1940 and rule 206(4)-2(a)(5) under the Investment Advisers Act of 1940. These forms, and related rule amendments, are intended to ensure that examination certificates are properly filed and thus easily accessible. Because the forms are only cover sheets for documents currently required to be filed, there would be no significant cost or burden for compliance.

Timetable:

Action	Date	FR Cite
NPRM	08/09/88	53 FR 29914
NPRM Comment Period End	09/23/88	
Final Action	06/01/89	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Ernest P. Francis, Staff Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2107**

RIN: 3235–AD37

3995. EXEMPTION FROM REGISTRATION UNDER THE ADVISERS ACT FOR CERTAIN SMALLER INVESTMENT ADVISERS

Legal Authority: 15 USC 80b-6A

CFR Citation: 17 CFR 275.203(b)(1) -1; 17 CFR 275.203(b)(3) -2

Legal Deadline: None

Abstract: The Commission proposed rules that, if adopted would exempt smaller investment advisers from most federal adviser regulation, other than the general antifraud provisions, if the advisers are registered in all states in which they do business. The proposed exemptions should significantly diminish the costs and paperwork associated with dual federal and state regulation of small advisory businesses. The proposed rules would rely on the states to assume responsibility for the detailed regulation that, at the federal level, would no longer be applicable to small advisers exempt under these rules. The proposed rules, which include both an interstate and an intrastate exemption, would determine eligibility for the exemptions by reference to the size of the adviser's business; whether the adviser has custody of client funds or securities; and whether the adviser is registered as an adviser in the state or states in which it does business. The proposed exemptions, together with the amendment of several rules, would eliminate costs of registration and reporting as well as compliance with the brochure rule, the recordkeeping rule, the performance for rule, the cash (con't)

SEC — Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	09/23/88	53 FR 36997
NPRM Comment Period End	11/22/88	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: solicitation rule, the advertising rule, and the Act's regulation of principal and agency cross transactions for advisers exempt under the proposed rules that choose not to register or to deregister with the Commission.

Agency Contact: Dorothy M. Donohue, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235–AD38

3996. DIVERSIFICATION BY EXEMPT HOLDING COMPANIES

Legal Authority: 15 USC 79c(a)(1); 15 USC 79t(a)

CFR Citation: 17 CFR 250.17; 17 CFR 250.2; 17 CFR 259.402

Legal Deadline: None

Abstract: Proposed Rule 17 clarifies under what conditions diversification into non-utility enterprises would not be deemed detrimental to the public interest or the interest of investors or consumers within the meaning of the "unless and except" clause of S3(a)(1) of the Public Utility Holding Company Act of 1935. The rule would provide two alternative "safe harbors". A companion proposed amendment to rule 2 under the Act would require after three years from its adoption, claims of exemption under rule 2, in order to be effective, would require that the claimant meet one of the safe harbor provisions of rule 17. Also proposed is an amendment to Form U-3A-2, the statement filed annually by holding companies claiming exemptions under rule 2, that would request information necessary to determine whether a rule 2 claim of exemption by an intrastate holding company was meritorious in light of the requirement added to rule 2. These proposals could significantly increase regulatory compliance costs for those intrastate public utility holding companies that have diversified operations, or that intend to do so. The proposals could require such a company to forego acquisition of an unrelated (con't)

Timetable:

Action	Date	FR Cite
NPRM	02/07/89	54 FR 6701
NPRM Comment Period End	05/15/89	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Additional Information: ABSTRACT CONT: non-utility interest or to divest such an interest previously acquired; or alternatively, to seek enactment by the legislature in its state of organization of a unified comprehensive utility holding company statute that addresses diversification activities.

Agency Contact: William C. Weeden, Assistant Director, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7683

RIN: 3235–AD39

SECURITIES AND EXCHANGE COMMISSION (SEC) — Completed Actions

3997. AMENDMENTS TO REGULATION S-K REGARDING CHANGES IN ACCOUNTANTS; ACCELERATION OF THE TIMING FOR FILING FORMS 8-K RELATING TO CHANGES IN ACCOUNTANTS AND RESIGNATIONS OF DIRECTORS

CFR Citation: 17 CFR 229; 17 CFR 249

Completed:

Reason	Date	FR Cite
Final Action	03/08/89	54 FR 9770
Final Action Effective	04/07/89	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John M. Riley 202 272-2130

RIN: 3235–AD30

3998. SECTION 16(A) COMPLIANCE

CFR Citation: 17 CFR 230.144; 17 CFR 239.300; 17 CFR 240.16a-1; 17 CFR 249.103; 17 CFR 249.104; 17 CFR 249.308a; 17 CFR 249.310

Completed:

Reason	Date	FR Cite
Merged with RIN 3235-AB14	12/02/88	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Brian J. Lane 202 272-2589

RIN: 3235–AD04

3999. REPORTING REQUIREMENTS FOR CHANGE IN FISCAL YEAR END

CFR Citation: 17 CFR 210.3-12; 17 CFR 240.12b-25; 17 CFR 240.13a-10; 17 CFR 240.13a-13; 17 CFR 240.14a-3; 17 CFR 240.15d-10; 17 CFR 249.15d-13; 17 CFR 249.220f; 17 CFR 249.308; 17 CFR 249.308a; 17 CFR 249.310; 17 CFR 270.322; 17 CFR 270.8b-16; 17 CFR 274.30b1-2; 17 CFR 274.101

Completed:

Reason	Date	FR Cite
Final Action	03/13/89	54 FR 10306
Final Action Effective	04/12/89	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Emanuel D. Strauss 202 272-2573

RIN: 3235–AD05

4000. REGULATION D

Significance: Agency Priority

CFR Citation: 17 CFR 215.; 17 CFR 501.; 17 CFR 502.; 17 CFR 507.; 17 CFR 508.

Completed:

Reason	Date	FR Cite
Final Action	03/20/89	54 FR 11369
Final Action Effective	04/19/89	

Small Entities Affected: Businesses

Government Levels Affected: Local

Agency Contact: William Toomey 202 272-2644

RIN: 3235–AD45

4001. RULE 10B-21(T) SHORT SALES IN CONNECTION WITH A PUBLIC OFFERING

CFR Citation: 17 CFR 240.10b-21(T)

Completed:

Reason	Date	FR Cite
Final Action	08/15/88	53 FR 33455
Final Action Effective	09/30/88	53 FR 23455

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ivette Lopez 202 272-2848

RIN: 3235–AC95

4002. ⊛ FORM X-17A-5 (PARAGRAPH (A) OF RULE 17A-5 OF THE SECURITIES EXCHANGE ACT

Legal Authority: 15 USC 78q

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Legal Deadline: None

Abstract: Form X-17A-5 of the Securities Exchange Act of 1934, 15 U.S.C. 78q (paragraph) (a) of Rule 17a-5) is a form on which every broker-dealer registered under Section 15 must file certain specified monthly and quarterly reports. The form, which is required under Rule 17a-5 (17 C.F.R. 240.17a-5), is also known as the Financial and Operational Combined Uniform Single ("FOCUS") Report, and must be filed at the Commission's principal office in Washington, D.C. and at the regional office for the region where the broker-dealer's principal place of business is located. The FOCUS Report was designed to eliminate all of the overlapping regulatory reports required by various self-regulatory groups and the Commission and to reduce reporting burdens as much as possible.

Timetable:

Action	Date	FR Cite
End Review	01/10/89	40 FR 59713

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: David Abramovitz, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2398

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Agency Contact: Nancy Rappa 202 272-2061

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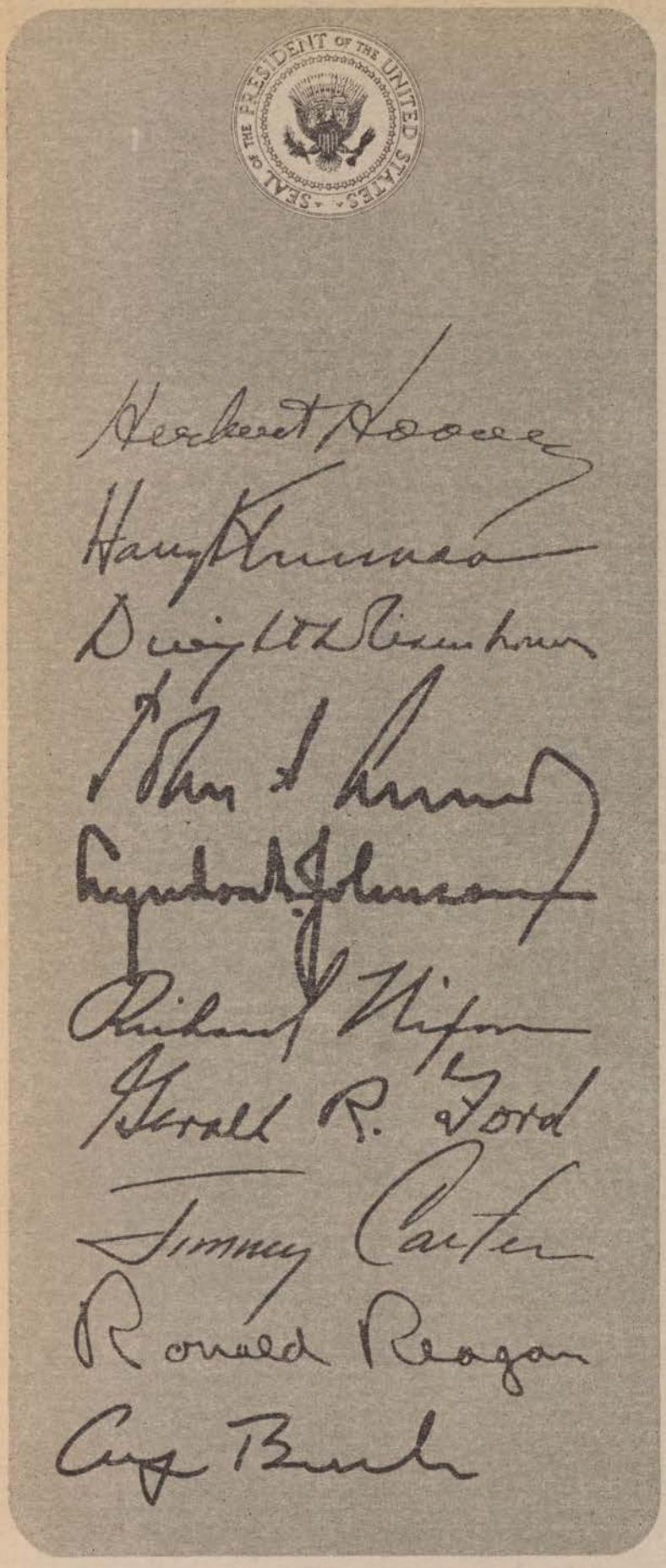

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